

8408. Also, petition of D. C. Hill and others, of Sidon, Miss., for legislation in aid of drainage districts; to the Committee on Irrigation and Reclamation.

8409. Also, petition of T. A. Guy and others, of Greenwood, Miss., for legislation in aid of drainage districts; to the Committee on Irrigation and Reclamation.

8410. By Mr. WINTER: Resolution from the Cody Club, Cody, Wyo., opposing the construction of the Red Lodge-Cooke City Road and suggesting the Clarks Fork Canyon route; to the Committee on Roads.

8411. Also, resolution from the Alfalfa Commercial Club, Worland, Wyo., urging protection of sugar-beet growers and increase of tariff on sugar; to the Committee on Ways and Means.

SENATE

SATURDAY, January 26, 1929

The Chaplain, Rev. Z^cBarney T. Phillips, D. D., offered the following prayer:

O Merciful God and Heavenly Father, who hast planted our feet in a world so full of change that we know not what a day may bring forth, and hast curtained every day with night and rounded our little lives with sleep, look with loving pity, we beseech Thee, upon the sorrows of the loved ones and friends of him whom Thou didst but yesterday call to his reward. In the service of his country he bravely upheld the right and generously lived for others' good.

Help us, therefore, to use with all diligence the span of our appointed time, so that when our summons comes we may receive that blessing which Thy well-beloved Son shall then pronounce to all who love and fear Thee, saying, Come, ye blessed children of my Father, receive the kingdom prepared for you from the beginning of the world. Grant this, O Father, through Jesus Christ, our Mediator and Redeemer. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MARKET NEWS SERVICE OF THE BUREAU OF AGRICULTURAL ECONOMICS (S. DOC. NO. 209)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Department of Agriculture amounting to \$5,400 for the fiscal year 1930, to enable the Secretary of Agriculture to extend the market news service of the Bureau of Agricultural Economics from Montgomery, Ala., to Jackson, Miss., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Public Lands and Surveys:

H. R. 10657. An act to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands, and for other purposes;

H. R. 11406. An act to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange;

H. R. 14148. An act to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.;

H. R. 14457. An act validating certain conveyances heretofore made by the Central Pacific Railway, a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L. p. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L. p. 356);

H. R. 15328. An act to authorize the exchange of 18 sections of Government land for an equal value of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes;

H. R. 15724. An act to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes; and

H. J. Res. 356. Joint resolution to authorize the exchange of certain public lands in the State of Utah, and for other purposes.

COMPACTS BETWEEN CERTAIN STATES

Mr. PHIPPS. Mr. President, on Thursday I entered a motion to reconsider five bills which had previously been reported from the Committee on Irrigation and Reclamation and which had passed the Senate. I explained at the time the reason for requesting their return from the House. The bills have now been returned, and I call up my motion to reconsider the votes by which the bills were ordered to a third reading and passed.

The VICE PRESIDENT. Without objection, the motion to reconsider is agreed to, and the Chair lays before the Senate the bills in question.

The bills were read by title, as follows:

H. R. 6496. An act granting the consent of Congress to compact or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compact or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red River, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compact or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compact or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compact or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

Mr. PHIPPS. Mr. President, I ask for action on the amendments of which I gave notice.

The VICE PRESIDENT. The question is upon the adoption of the amendments offered by the Senator from Colorado, to strike from the bills the words "from the Department of the Interior."

Mr. PHIPPS. That is correct.

The VICE PRESIDENT. Without objection, the amendments suggested by the Senator from Colorado [Mr. PHIPPS] will be considered as having been agreed to, and the bills, as thus amended, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following telegram from the president of the Porto Rico Chamber of Commerce, which was referred to the Committee on Territories and Insular Possessions and ordered to be printed in the RECORD, as follows:

SAN JUAN, P. R., January 26, 1929.

UNITED STATES SENATE, Washington, D. C.:

Chamber Commerce, Porto Rico, strongly indorses House bill 13936, increasing \$25,000 limit individual loans our local Federal land bank and requests its passage early date. Such action would be important factor economic rehabilitation island from effects recent disastrous cyclone.

DOMENECH, President.

Mr. TYSON presented petitions of sundry citizens of Dyersburg and Humboldt, Tenn., praying for the passage of the bill (S. 4689) to provide for the making of loans to drainage or levee districts, and for other purposes, which were referred to the Committee on Irrigation and Reclamation.

ELECTRIC-LIGHT RATES IN CANADA AND THE UNITED STATES

Mr. NORRIS. Mr. President, I desire to detain the Senate for just a few moments to put into the RECORD some statistics in regard to a comparison of electric-light rates in a few places along the Canadian border in Canada and in the United States.

Some one sent me a few days ago a copy of Barron's Financial Weekly of December 3, 1928. The leading article on the front page of this publication had for its burden a demonstration that the hydroelectric commission system of generating and distributing electricity in Ontario, Canada, was a failure; that the people of that Province are tired of it and were about to put it out of business, and that they were all praying for the blessed initiative which comes with the private development and distribution of electricity.

These statements have as a matter of fact no basis of truth to substantiate them. The commission has been killed by representatives of the Power Trust every year for the last 20 years. Since I have been killed so often and am still living, I rather enjoy their predicament. But in the article a demand was made that the way to compare electric-light rates on the United States side of the border and on the Ontario, Canada, side was to get definite bills which were actually paid on both sides or get the bills on one side and figure out the cost for the same amount of electricity on the other side. It seemed to me that that was a fair proposition.

It is said with a great deal of force, I think, that it was not always fair to pick out a favored locality and compare the rates charged there with the rates in some localities not favored by nature. So within the last few days I have gathered together a few actual bills on both sides of the line where the generation and the distribution of electricity takes place under exactly the same physical conditions.

I have a bill from a man who lives in Niagara Falls, N. Y. The Senate will remember that there is a Niagara Falls, N. Y., and there is a Niagara Falls, Canada, just across the river. They are supplied with electricity coming from Niagara Falls. On the American side it is done by private initiative and the efficient methods of private ownership and private distribution and private generation. On the Canadian side it is done by the publicly owned hydroelectric commission. Here is the bill of a man who lives in Niagara Falls, N. Y. The bill is for the month ending January 2, 1929. That is not ancient; it is the last bill he has received. He lives in a 7-room house. He has electric lighting, a vacuum sweeper, an electric iron, an electric washing machine, and an electric range. For the month of December, 1928, he consumed 256 kilowatt-hours of electricity. That is quite a large amount of electricity for a 7-room house. The ordinary consumption of electricity in a house of that size where they use electric lighting only would be between 40 and 45 kilowatt-hours, but having all these electric appliances he consumed in that little modest home 256 kilowatt-hours. He paid a bill for that amount of electricity of \$6.44. As rates go in the United States that is a cheap rate. But he had no discount on that bill. That was net. In fact, if he did not pay it within 10 days a 10 per cent penalty was added.

Now let us see what that man would have had to pay for the same amount of electricity for the same service if he had lived just across the line in Niagara Falls, Canada. His bill then would have been \$3.28, with a discount of 10 per cent if he paid it within 10 days, making a net bill of \$2.96 on the Canadian side as compared with the net bill of \$6.44 on the American side for the same service, the power coming from the same water from the same river from the same Niagara Falls.

I have another bill from a man who lives in the same city of Niagara Falls, N. Y. He lives in an 8-room house, and has electric lighting, a vacuum sweeper, an electric iron, an electric washing machine, and an electric range. He consumed for the month of December, 1928, 493 kilowatt-hours of electricity. He paid a bill of \$9.64. That is net, with no discount. Had he lived across the river in Niagara Falls, Canada, for the same electricity for the same month, generated from the same water from the same river, he would have had to pay \$5.77, with a discount of 10 per cent if he made prompt payment, so that his net payment would have been \$5.20—\$5.20 on the Canadian side as against \$9.64 on the American side.

Mr. OVERMAN. Mr. President, perhaps I misunderstood the Senator from Nebraska, but I understood him to say the bill would be \$9 plus on the Canadian side and \$5 plus on the American side?

Mr. NORRIS. Let me repeat my figures in answer to the question of the Senator from North Carolina. The electricity cost \$9.64 on the American side and \$5.20 on the Canadian side.

I have here a bill rendered on the Canadian side. This bill is for two months' service. The consumption was 1,130 kilowatt-hours. A gross bill of \$12.50 was rendered. If the customer took advantage of the discount of 10 per cent, he would have had to pay \$11.25. Had he lived over on the American side, for the same amount of electricity consumed in those two months at the American rate charged in Niagara Falls, N. Y., he would have had to pay \$22.22. On the American side he would have had to pay \$22.22, and on the Canadian side he would have had to pay \$11.25.

Here is the bill of a photographer. His place of business is Niagara Falls, N. Y. He consumed for the month for which this bill was rendered 224 kilowatt-hours, and he paid a bill of \$7.60. If his place of business had been just across the river in Canada, and he had secured his electricity from the publicly owned hydroelectric commission service, and had taken advantage of the 10 per cent discount for prompt payment, his

bill would have been \$2.69—\$2.69 on the Canadian side as against \$7.60 on the American side.

Mr. HEFLIN. Mr. President, why is it that such a great difference exists at the two places, one just across the river from the other?

Mr. NORRIS. In the one case, on the Canadian side, the generation and distribution of electricity is a public enterprise, while on the other side, the American side, it is a private enterprise. It can be produced, however, just as cheaply on the American side as it is produced on the Canadian side.

Mr. HEFLIN. If I understand the Senator from Nebraska correctly, then the rate paid on the American side, just across the river, for the same service is three times, or a little more than three times, the rate on the Canadian side?

Mr. NORRIS. It is about twice the cost on the Canadian side.

Niagara Falls, N. Y., is pointed to as one of the places where, under our method of producing and distributing electricity, one may get cheap electricity. I have referred to the article in Barron's Financial Weekly, in which it was said comparisons should be made of actual service and actual prices under the same conditions. It would be difficult to find places where conditions are more similar than in those I have given, but I can give another instance where the conditions, perhaps, are even more similar. In the city of Hamilton, Ontario, a city of about 125,000 people, some of the people are served by the hydroelectric publicly owned commission and others of the people are served by a private corporation, which was doing business in the city prior to the commencement of the hydroelectric publicly owned commission service. The top rate for domestic service in Hamilton is 2 cents a kilowatt-hour for the first 60 kilowatts; for all over that the rate is 1 cent a kilowatt-hour. The private company is supplying its patrons with electricity at the same rate as is the publicly owned system. By the way, a year or two ago I saw the report of the manager of that privately owned concern to the stockholders, in which he gave rather a glowing account of the prosperity and financial condition of the concern. They were making money. That is a demonstration that the privately owned companies can produce and distribute electricity cheaper than they are producing and selling it to the people of the United States. That is one of the reasons, as shown by the evidence adduced by the Federal Trade Commission in the investigation now going on, for the enormous profits of the Power Trust, enabling it to spend literally millions of dollars for propaganda purposes.

But let us make another comparison along the border. In this case the hydroelectric commission does not enter into the equation. Along the Minnesota boundary line between America and Canada is located, on the American side, International Falls. There is a bridge there. The river is the boundary. The bridge crosses to Canada, where there is a town named Fort Francis. There is a dam right at the bridge, owned by the Backus interests, with which many Senators are somewhat familiar. It is true that to comply with the Canadian law they had to incorporate on the Canadian side, so there are two corporations—one on the Canadian side and the other on the American side—but both of them are entirely owned by Backus and his associates on the American side. They distribute electricity to International Falls and South International Falls, which adjoins International Falls, and a little town called Ranier, that is within a mile or two of International Falls. The same private corporation sells electricity to the town of Fort Francis, Canada, but there the electricity is distributed through a municipally owned distributing plant. I might add that both on the Canadian side and on the American side this corporation has steam stand-by plants to help out during periods of low water. Let us see what the rates are. Incidentally I might remark as I go along that this privately owned plant sells to the Canadian town of Fort Francis very cheap electricity. It sells them their electricity at \$14 per horsepower per year, which is a very cheap rate. The question might be asked, Why does this concern sell the electricity so cheaply on the Canadian side? It is because Fort Francis is in Ontario, where the hydroelectric commission operates, and the consumers there would be able to hook in with the hydroelectric system and get cheap electricity in that way. So the privately owned concern meets that competition, comes down in its price, and can make money when it is doing so.

Now, let us see what the rates are there. In Fort Francis, Canada, they charge a flat rate for light, regardless of how much may be consumed, of 3 cents per kilowatt-hour, with a minimum charge of 60 cents. They supply electricity for heat at 1 cent per kilowatt-hour, with a minimum charge of \$1. They have a sliding scale for power purposes, starting with

3 cents per kilowatt-hour for the first hundred kilowatts, 2½ cents for the next hundred, 2 cents for the third hundred, and 1½ cents per kilowatt-hour for all over 300, with a minimum charge of \$1.50. Now, let us see what the rates are at South International Falls, just across the river on the American side. The rates there are the same for light, heat, and power; for the first 60 kilowatts, 12 cents per kilowatt-hour; for the next 120 kilowatts, 11 cents; for the next 540 kilowatts, 9½ cents; all over 720 kilowatts, 8 cents. Those are the rates for South International Falls.

The service is a little cheaper at International Falls, which adjoins South International Falls. For the first 60 kilowatts the rate is 10 cents per kilowatt-hour; for the next 120 kilowatts, 9 cents per kilowatt-hour; for the next 540 kilowatts, 7½ cents per kilowatt-hour; for all over 720 kilowatts, 6 cents per kilowatt-hour. Those are the rates in International Falls.

Mr. SIMMONS. Mr. President, is the Senator in both cases referring to the price paid by the consumer?

Mr. NORRIS. I am referring to the price paid by the consumer.

Mr. SIMMONS. In both cases?

Mr. NORRIS. In both cases.

At Ranier, a mile or two away, the same private Backus Co. charges the following rates: For the first 60 kilowatt-hours, 13 cents per kilowatt-hour; for the next 120 kilowatt-hours, 12 cents per kilowatt-hour; for the next 540 kilowatt-hours, 10 cents per kilowatt-hour; for all over 720 kilowatt-hours, 9 cents per kilowatt-hour.

I have here some bills rendered consumers on both sides of the river. I have first a bill rendered to a consumer on the Canadian side taking electricity from the publicly owned municipal plant, the electricity coming from the same dam and from the same river and owned by the same people who furnish the power on the American side. Here is the bill of the Royal Theater in Fort Francis for light for one month. They consumed 60 kilowatt-hours and their bill was \$1.80. Had that theater been operating just across the river on the American side and had it consumed the same amount of electricity in that month its bill would have been \$7.20—\$1.80 on the Canadian side where there is a publicly owned distributing plant, as against \$7.20 on the American side where the plant is owned by a private corporation, with blessed private initiative in complete control. That bill was for light.

The same theater—the Royal Theater, of Fort Francis—took electricity for heating purposes from the municipally owned distributing plant. I do not mean to say that the theater was heated with the electricity the year around, but only during the evenings in the summer, when in that region it was too cold without heat, or in the early fall or late spring. For that same month the theater consumed 175 kilowatt-hours of electricity for heating purposes and paid \$1.75 for it. If it had been on the American side and consumed an equal amount for such purpose it would have had to pay \$16.35.

Here is the bill of a consumer on the American side who consumed during the month 44 kilowatt-hours. I presume the bill was for light only, although it does not so say. The rate on the American side is the same for light, heat, and power. The consumer in this instance had to pay \$4.40 for 44 kilowatt-hours. He got a discount, so that his net bill was \$3.96. Had he been over on the Canadian side, at Fort Francis, he would have had to pay—this was for light—\$1.32. If it had been for heat he would have had to pay \$1. If it had been for power he would have had to pay \$1.32.

Here is a bill, now, over in South International Falls, which adjoins International Falls on the American side. This man consumed 31 kilowatt-hours. He paid a net bill, after getting his discount, of \$3.35 for 31 kilowatt-hours of electricity. If he had been on the Canadian side, for light—and this bill was for light—he would have had to pay 91 cents instead of \$3.35. If it had been for heat, he would have had to pay \$1. If it had been for power, he would have had to pay \$1.50.

Here is a bill from Ranier, almost adjoining International Falls. The consumer consumed 14 kilowatt-hours of electricity. You will notice that these people on the American side consume very small amounts of electricity. They have not sweepers and ironers and washers and electric ranges. They have no electric fans, because electricity is too expensive. This man consumed only 14 kilowatt-hours, and he paid a net bill of \$1.64 for it. If he had been across the river in Canada, and if this bill was for light, he would have had to pay 60 cents. That is the minimum over there. He would not have consumed enough to come up to the minimum. If it was for heat, he would have had to pay \$1, because he had not come up to the minimum. If it had been for power, he would have paid \$1.50. I think it is fair to assume that all these bills are for light only, because the amount is so small. So, assuming that this bill was for

light, on the Canadian side he would have paid 60 cents and on the American side he actually paid \$1.64.

Mr. HEFLIN. Mr. President, the American plants referred to by the Senator are in the State of New York, are they not?

Mr. NORRIS. No; these that I have just been comparing are at International Falls, Minn., and Fort Francis, Canada. They are away up along the northwestern boundary of Minnesota, where, the Senator will remember, quite a number of years ago Congress passed a bill permitting the Backus people to build a dam at International Falls. This electricity on both sides of the river is generated from the dam that we authorized that corporation to construct.

Mr. HEFLIN. The plants referred to earlier in the Senator's speech are in the State of New York?

Mr. NORRIS. Those plants are at Niagara Falls, in the State of New York; yes, sir.

Mr. BLAINE. Mr. President, before the Senator takes his seat, I think he referred to one case where the consumption was 256 kilowatt-hours.

Mr. NORRIS. Yes.

Mr. BLAINE. I did not get the charge that was made in Canada and the charge that was made for that amount of electricity in the United States.

Mr. NORRIS. I can give the Senator that information.

That was the bill of a man who lived in Niagara Falls, N. Y., for the month of December, 1928. He lives in a 7-room house. He has electric lighting, a vacuum sweeper, an electric iron, an electric washing machine, and an electric range. He consumed during that month 256 kilowatt-hours. His bill was \$6.44, from which there is no discount. If he did not pay it promptly, 10 per cent was added as a penalty. If he had lived across the river in Niagara Falls, Canada, and consumed during that month the same amount of electricity, his net bill, after getting the benefit of a 10 per cent discount for prompt payment, would have been \$2.96.

Mr. BLAINE. Mr. President, if the Senator will permit me, I desire to call his attention to a situation that is much more aggravated than the comparison he has made.

In my own State a farmer who consumed 256 kilowatt-hours in December, 1928, for light for the house, barn, and other buildings, power for washing machine, ironing, milking machine, cream separators, feed grinder, and electricity for a small electric range would have paid, if he had consumed 256 kilowatt-hours—and I am figuring this from an actual contract—\$26.50, made up of these two items: \$24.17 for the electric consumption, and then a surcharge equal to the amount allowed to the utility as a return of 7 per cent upon \$400 made as an advancement, which would be \$2.33 per month, making a total of \$26.50 for the consumption of 256 kilowatt-hours.

Mr. NORRIS. I thank the Senator from Wisconsin for the information he has given us; and for his benefit I think I ought to say that it would be very easy to give many instances of greater glaring discrepancies between electricity in the United States and Canada. I explained when I began, however, that I am following a suggestion made in Barron's Weekly Financial Review in which they condemn the Ontario system and say that it is about to go out of business and say that we ought to compare places that are under exactly the same conditions. Hence I have taken only those places, and I have done this within the last three or four days. I could get hundreds of others; but the instance, for example, of Niagara Falls, N. Y., is a place where, as electricity goes in the United States, they have very cheap rates; and yet I have taken those cheap rates, among the cheapest that can be found anywhere in the United States, and compared them with the rates charged by the publicly owned system just across the river, and the results are as I have given them.

CONDITIONS OF INDIANS IN UNITED STATES

Mr. PINE. Mr. President, I ask unanimous consent to have printed in the Record an article in the current issue of Good Housekeeping. This article is written by Vera L. Connolly, and is entitled "The Cry of a Broken People." It contains information regarding the treatment received by the Indian wards of the Government.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is here printed, as follows:

THE CRY OF A BROKEN PEOPLE—A STORY OF INJUSTICE AND CRUELTY
THAT IS AS TERRIBLE AS IT IS TRUE

By Vera L. Connolly

(On, and ever on! That has been the story of the Indian ever since the white man began to covet his lands. To-day, when he can be driven no farther, he is oppressed, mistreated, robbed, starved. Shall we allow this injustice to continue until the Indian is gone forever? The answer is with us.)

The solemnity of that roomful! Never shall I forget it! It was in the Indian pueblo of Taos, N. Mex., in July, 1928. A council of grave import was being held for us by the headmen of the tribe.

All around the bare, whitewashed walls ran a narrow seat. On this we sat, tense and waiting, a few palefaces in a long line of silent, dignified Indian men.

In a corner by the fireplace stood a table with a small lamp. Beside this sat the Indian "governor" of the pueblo—a man of majestic stillness, with a hawk face and quietly folded arms. He wore a shirt of faded red that glowed softly in the lamplight. His hair hung forward over his shoulders in two braids twisted with colored strands. Near him, crouching on the floor, respectful, silent, was the Indian interpreter.

In a rear room huddled the women and young girls. They had greeted us when we arrived with the gracious gestures of an ancient race. Then, soft voiced, charming in their vivid shawls, they had quietly withdrawn. The council is not for Indian women.

The room after that had commenced rapidly to fill with sober-faced Indian men. Like Arabs they had come slipping in, swathed in their white cotton blankets, and had taken their seats solemnly around the wall. Now every inch of the encircling seat was occupied. And the doorway was filled with shrouded figures, beyond whom, on the moonlit desert without, we could faintly discern a throng of other still forms.

The seated men had thrown off their white blankets, and the room glowed with the soft colors of their shirts—faded blue, sage green, pale vermillion. Some wore turquoise earrings and a few had about their necks strings of old Indian jewelry—wampum, coral, and silver beads—in some cases the owner's sole wealth. For though self-supporting and of regal dignity, these were poor Indians.

Presently the governor raised his hand. The council began.

He first addressed the Indians, speaking in the native tongue. He told them that we, their white visitors, had heard in New York City that all was not well with the Indian people, wards of our Nation. We had come out to the West to learn if these rumors of misery and injustice were true.

When he had finished speaking the interpreter repeated the words to us in English. And again a sober silence fell. Outside on the moonlit rooftops an Indian drum sounded softly, and then a low, minor chanting began and drifted in at the doorway.

Suddenly, one by one, the Indians commenced to speak. They spoke heatedly, rapidly, with gestures. Yet their passion was so restrained that no voice ever rose above a tense monotone. Each addressed the governor, who in turn asked the interpreter to translate for us.

It was a passionate plea for just one thing—better treatment of Indian children in the Government boarding schools. The other wrongs the race may have suffered in the past at our hands—loss of lands, water rights, and personal freedom—obviously signified nothing in their eyes compared to the sufferings of the 27,000 Indian children in the Government boarding schools to-day.

These children, it was explained to us, are taken forcibly from their mothers' arms, as early as 6 years of age in some Indian communities, and sent away to distant boarding schools to stay till 18. There they are underfed, roughly treated, and required to work half of every day at hard industrial labor in the fields or in the laundry, in addition to the half day of school.

It was a story of frightened, lonely, hungry, exhausted childhood they told. Of children poorly housed in crowded dormitories, with so little protection against disease that infections rage through the schools. Of children cruelly overworked. Of children so underfed that they snatch like famished little animals at plates of bread. Of children struck and thrown into the school "jails" for infringement of minor rules.

And these statements coincided with the rumors that has caused the editor of Good Housekeeping to send me West, to the Indians themselves, to ascertain the facts.

The governor told of visiting one of these schools himself in May, 1928, and finding the food not only insufficient in quantity but of the wrong kind for growing children forced to do hard work.

THE CHILDREN ARE HUNGRY

Another Indian, Alvino Lujan, described his visit to the Santa Fe School in 1928:

"I sat down to supper with the little boys," he said, "and when the bread arrived the boys grabbed all of it, yet were still hungry. No more was served them. I asked for some bread for myself and was given two thin slices. But when it came the little boy beside me kept staring so at my bread—he was so pitiful—I turned my head away. When I looked around again my bread was gone.

"At breakfast the same thing happened. The boys snatched the bread as though half starved. I went to San Ildefonso pueblo and asked some bread from the Indians and took it to the hungry boys at the school. All this is wrong! Those children work very hard! The night I slept there one boy was awakened at midnight to go out and work on some machinery."

A third Indian—Juan Archuleta—declared that the main meal at noon, when he visited the Santa Fe School in 1927, consisted of "gravy,

a kind of tea just like water, and some bread and sirup." And "the boys did not have enough of this," he added. "They left the table hungry."

Antonio Mirabal, the interpreter—a man with a fine, thoughtful face—told with quiet compassion of his visit to the Albuquerque School in March, 1927. "Breakfast was oat meal with sirup, bread and coffee. The boys rushed for it. There was not nearly enough. So I ate nothing. I wanted them to have it all."

When the men had finally ceased speaking, some of the boys, home on vacation, told timidly of their treatment in the schools. Again it was a tale of loneliness, overwork, undernourishment, and brutal discipline. How tragic, thought the writer, for this cruelty to be inflicted on the boys and girls of a race noted for its love of children! One may wander all day about an Indian pueblo, up and down the ladders, in and out of the quaint, many-storied house, and never see a child struck or hear a harsh word spoken to it. Indian women, if one of their number scolds a child, derisively call her "white woman." Firm discipline of childhood, yes. That is to be found in the Indian household. But it is not the rule of fist and boot.

"The disciplinarian closed the door," said Fernando Romero, a school-boy, in describing the punishment meted to him at the Santa Fe boarding school, because of a misunderstanding over the washing of some shirts, "and grabbed hold of my neck and tried to choke me. Then he struck my mouth, and it began to bleed. Then he grabbed me again and knocked my head against the door and told me to go back to work. I couldn't eat for two days, my mouth was so swollen."

Other boys told of the cruel jails at the schools; of little boys of 12 forced to dig ditches and do other work too hard for them; of boys hit in the face for coming late to work; of the terrible food—usually oatmeal, sirup, bread, and coffee for breakfast; gravy and bread, potatoes and tea for dinner; and beans and bread and tea for supper. And never, never enough!

Leaving the council room, the writer slipped back for a word with the shy girls in the rear part of the house. They told a similar story, describing the long, exhausting hours in sewing room and laundry before the school day began. Girls were roughly punished, too; sometimes struck; sometimes made to kneel on the floor in the hall all night for being late to work.

Several girls had tubercular coughs.

"They never sick till they go away to boarding school," said a woman, with quiet despair, in broken English.

I recalled then some of the statements in the official reports I had recently seen—that the Indian boarding schools are overcrowded, unsanitary, and foul with two diseases—tuberculosis, a gift of the white race to the Indian people, and trachoma, an eye disease closely connected with malnutrition.

I had read that often healthy children were brought to these schools and, after being subjected to years of hunger, unkindness, overwork, and infection, sent home dying of tuberculosis or half blind with trachoma to infect their helpless families and communities.

Could these things be? In the United States of America?

THEIR HOPE IS IN US

I returned to the council room. The meeting was over, and we departed, promising to tell white Americans—parents themselves—what the Indian child is suffering in the boarding schools, and promising to make a plea that day schools on the reservations be substituted for these distant boarding schools.

When we passed out the door the white-robed, Arablike forms fell back respectfully, and we walked between them across the plaza, upon which the centuries-old houses look down, to our waiting automobile.

As we drove away over the moonlit desert plateau we looked back at the Sacred Mountain, with ancient Taos pueblo crouching at its foot. From the roof tops there still reached us faintly the chanting of the singers. It was buoyant, confident singing! It was a song of good hope, explained one who was with us—a hope that the council meeting had not been in vain.

In the weeks that followed, the writer of this article visited many groups of Indians, not only in New Mexico but in Arizona, Colorado, Oregon, Washington, and Wisconsin. In all these States and in California, she also studied every official report she was able to obtain. Besides, she interviewed prominent white men and women who for years have been quietly battling for the Indian people.

Partly as a result of her own fleeting observations, but chiefly through her interviews and study of authentic reports, among them the one submitted a year ago by the Institute for Government Research after a 15 months' investigation made at the request of the Secretary of the Interior, the writer found abundant verification of all that had been claimed in the Taos Council regarding the boarding schools. And she also discovered that this wrong being done the Indian people is but one of many!

Gaunt poverty is apparent on almost all reservations to-day. And so is hunger. And so is contagious disease. And so is complete subjugation of person and property. Although all Indians to-day are citizens, made such in recognition of their voluntary service during the World War, the Indian Bureau, which for 70 years has had despotic

control over the Indians, pronounces 225,000 of them "incompetent." This bureau regards its acts as not subject to court review.

To quote from Congressman JAMES A. FREAR, of Wisconsin, in a recent issue of Plain Talk:

"The Indian Bureau holds itself above the law, and in the disposition of property belonging to 'incompetent' Indians considers that its acts are not reviewable by the courts. This arbitrary stand makes it impossible for the 225,000 'incompetent' Indians to prevent the wholesale wasting of their property. More than \$90,000,000 in cash and securities and more than \$1,600,000,000 in land and personal property belonging to Indians are under the exclusive control of the Indian Bureau, while the owners of the property are denied any voice in its disposal and often refused any share of the proceeds. As an inevitable consequence, the property of the Indians has literally been looted to the extent of millions of dollars."

SLAVERY STILL EXISTS

The American Indian can not sell his own lands. He can not worship in his own way. He can not rear his own children. If he leaves the reservation without permission, he can be tried by a "judge" appointed by the agent and thrown into jail for any length term in ball and chain. For him there is no jury trial unless he has been specifically charged with one of eight major crimes named in Federal law; in the latter case he may demand and get trial in the Federal courts, though the bureau controls his money for hiring attorneys and his choice of attorneys. For all other cases, for crimes and misdemeanors named or unnamed in law, or for simple disagreements with bureau officials the Indian may be and is arrested without warrant, imprisoned without (a) trial in any court of record; (b) advice of counsel; (c) right to be confronted by accuser or to compel attendance of witnesses; or (d) any right of court review. The Indian agent carries out the whole process—or an "Indian judge" appointed by the agent and paid \$11 a month carries it out. There is no limit in any law of Congress to the amount of fine or length of imprisonment.

Virtual slaves, in a land where slavery was abolished years ago, victims of horrible diseases the whites have brought but will not bother to cure, deprived of the children they have borne, hungry and in despair, thousands of our Indian citizens present a spectacle that touches the heart.

"If Harriet Beecher Stowe were here," said Congressman FREAR before a Senate committee, on his return from a 4,500-mile trip at his own expense to 20 reservations, "she could write a story far worse than anything that ever appeared in Uncle Tom's Cabin."

The writer of this article found that the information she was obtaining was of three sorts—personal wrongs, maladministration of property, and suggestions as to a solution of the Indian problem. She has, therefore, prepared three articles, one devoted to each of these phases.

This first article will deal with the personal wrongs.

The maltreatment of the Indian child has already been touched upon, and will be referred to again later in this article.

Next, there is the dire poverty of the Indians. For most of them are poor, bitterly poor. A few tribes have discovered oil on their arid lands, and the sudden wealth of these has created the public impression that all Indians to-day are prospering. This is a mistake. Most of them are extremely poor. Some are starving.

Next to the threat of starvation, our greatest crime against the Indians to-day is our gross neglect of their health. This is of tragic importance. Not only is a lovable, picturesque race dying of contagious diseases we have bestowed on it—the Indian death rate increased 62 per cent from 1921 through 1925—but in dying the Indians are unconsciously wreaking on us, their white conquerors, a grim revenge for our century and a half of cruelty and neglect. For to-day many Indian settlements threaten to become dangerous sources of infection from which contagious diseases will spread to the surrounding white communities.

Such is the sober warning sounded in the institute report. It is the statement of all recent investigators. And it is my earnest warning, fleeting as were my glimpses, in six States of Indian life.

At Walpi, an ancient sky town of crazy, picturesque stone houses flung up in wild beauty against the heavens atop a mesa, or rock island, rising sheer from the Arizona desert, I saw a gifted people so afflicted with a virulent skin disease (impetigo) that some faces were literally covered with scabs. It is here that the famous snake dance is held, to which tourists flock from all over the world. The danger to the white race is obvious. And so is the needlessness of the situation. We are told in the Reference Handbook of the Medical Sciences that treatment of impetigo is simple and effective. It consists of "removal of the crusts by soaking in olive oil * * * after which an application of a 5 to 10 per cent ointment of ammoniated mercury completes the healing in a few days." Why were those Indians not receiving this treatment?

At Zuni, in the home of the pueblos' governor, while I listened to a story of contaminated drinking water, dysentery, and a reservation doctor who would not pay visits to sick Indians, I saw a young mother anxiously looking down into the face of the terribly sick baby in her arms. The child was covered with a scabby disease.

At Hotavilla, an Indian pueblo on the Arizona desert, I stopped to witness a ceremonial dance in the plaza. It was a colorful scene. The partly naked men dancers were painted and hung with green sprigs and animal skins; their heads were encased in grotesque masks; they carried gourd rattles which they shook as they danced. On the roof tops sat the Indian women, one blaze of color in mantas, kerchiefs, and shawls. And thronging the narrow street were white tourists under vivid parasols. Yet within 10 feet of me, in that crowd of Indians, I observed four women and five children in advanced stages of trachoma. This village is a favorite haunt of tourists.

TUBERCULOSIS RAGES UNCHECKED

As for tuberculosis—it was appallingly in evidence in all Indian settlements I visited, especially on the Bad River Indian Reservation in Wisconsin. Even on the blazing Arizona desert it seemed to me to be raging. Figures prove that my impression was correct, as the tuberculosis death rate among Arizona Indians is seventeen times the general rate for the country as a whole. This is partly due to the children returning from the boarding schools infected and giving tuberculosis to the adults.

Statistics show that the medical service provided by the Indian Bureau is hopelessly inadequate in virtually all Indian communities. In some settlements there is none at all. As a result 21 per cent of the Indians, or more than 60,000, have trachoma. And the average Indian death rate in the country as a whole is two and one-fourth times that of the general population.

At Pine Ridge, S. Dak., an investigator recently discovered two physicians serving 7,800 Indians scattered over 2,400 square miles. In the western Navajo jurisdiction one serves 8,000 Indians scattered over 5,000 square miles. At Soboba, in southern California, Dr. Allan F. Gillihan, who was making a survey for the State board of health, found one doctor serving 1,500 Indians, his territory extending 100 miles to the east of the hospital and 25 miles to the west and south. Doctor Gillihan had previously surveyed conditions in northeastern California. He offered the following conclusions regarding the California Indians:

"1. That the ill treatment of the Indians during the past 70 years has resulted in reducing the population from over 100,000 to about 17,300. * * *

"2. That the Indians are now living a hand-to-mouth existence.

"(a) In houses not fit to live in.

"(b) Upon land that is useless.

"(c) Without water.

"3. That they are not receiving an education worthy of the name.

"4. That a great deal of sickness exists among them and they are receiving absolutely no care.

"5. That they are not receiving any advice, assistance, or encouragement in their business dealings with the outside world or in the personal side of their lives or in the lives and health of their families."

At Odanah, Wis., on the Bad River Reservation, the writer talked to a number of Chippewa Indians and to two white missionaries. All declared health conditions on the reservation unspeakably bad.

"According to Government statistics," said W. H. Thompson, the Methodist missionary, "over 60 per cent on this reservation have venereal disease. Tuberculosis is rife here as well. I've been here four years, and 80 per cent of my funerals have been over tuberculosis victims. No effort is made to check these diseases. We have no doctor. We have no hospital. Conditions are pitiable!"

And Rev. E. P. Wheeler, a noted missionary and lifelong friend of the Chippewas, had this to say of the Bad River Reservation:

"Things are seriously, horribly wrong here. The reservation seems wide open to liquor and prostitution. Venereal disease is rampant."

MEDICAL SERVICE IS IMPERATIVE

Sometimes it is claimed that a good medical service would be wasted on the Indians, that they would not make use of it. Congressman FREAR quotes as follows Dr. Frances Sage Bradley, director of the State Division of Child Welfare, Montana. She is speaking of the Blackfeet Indians:

"Pathetic and hopeless is the physical condition of young children and the eagerness of the mothers for help. We have held what we call children's conferences on various reservations, and men and women have sledged their children 35 and 40 miles in snow on a level with their roofs, with the thermometer 14 below zero, to find out how to cure rickets, trachoma, tuberculosis * * * I want to state that nothing but a prompt, vigorous, baby-saving campaign can prevent the extermination of the Blackfeet."

If we wonder at this high mortality rate among the Blackfeet, perhaps we can find the explanation of it in the testimony given in 1927 before the Senate Indian Affairs Committee by William Madison, who had just returned from the Fort Peck, Blackfeet, and Flathead Reservations in Montana.

He tells of old Indians living in tents in the bitter cold, with no food but the flesh of horses found on the town dump or killed by passing trains. He describes one old woman who was refused food and help by the agent, the latter telling her to drown out gophers for meat to eat. He cites the case of a woman whose child died eight days after birth, and who, while the child was still in the coffin, and with the thermome-

ter at 80° below zero, was ordered with her husband to vacate the house, the exposure making her a hopeless invalid.

Hunger! Sickness! Maltreatment! They are to be found, apparently, in some form, from the Canadian border to the Pima Reservation in Arizona!

At Riverside, Calif., the writer interviewed the gallant, silver-haired white woman, Mrs. Stella M. Atwood, who is gratefully called "mother" to-day by Indians all over the United States. It was Mrs. Atwood who, in 1921, at the Salt Lake convention of the General Federation of Women's Clubs, informed the club women of America of the tragic plight of the Indian people. She was assisted in her plea by Mrs. Gertrude Bonnin, a beautiful and cultivated Indian woman. And so eloquently did the two plead that there was created the Indian welfare division of the general federation, with Mrs. Atwood at its head.

The torch Mrs. Atwood lighted was caught up by John Collier, already a student of the subject and a publicist, and thrust up before the public gaze. For over seven years these two pioneers have fought—Mrs. Atwood with the club women of America as a mighty force behind her, John Collier as executive secretary of the American Indian Defense Association. They have fought in season and out, at home and abroad, in Congress, among the Indians, among the whites. And they have blocked some of the most vicious legislation of recent years designed to rob the Indians.

An epitome of courage, strength, and motherly kindness, of all that is best in womanhood, Mrs. Atwood sat facing the writer in Riverside last August, telling of pitiable conditions among the Indians to-day.

"The health service," she declared, "is atrocious! Indian reservation doctors are, for the most part, derelicts. I found four doctors who were dope fiends the first month I was in this work, nearly eight years ago."

Many of the doctors, she went on to say, while not dope fiends or liquor addicts, are callously indifferent. Frequently they refuse flatly to respond to a summons. She cited an instance. A doctor on the Navajo Reservation in 1927 refused point-blank to drive 40 miles at night, with some white people who had come for him, to attend a Navajo woman dying of hemorrhages after childbirth.

FOOD FOR THIS STARVING PEOPLE

"But the first, the crying need of our Indians to-day," Mrs. Atwood exclaimed, and tears sprang suddenly to her eyes, "is food! Simply enough food to satisfy the pangs of semistarvation! About five years ago I was invited out to Arizona, to Sacaton, where the Indians and whites were celebrating San Carlos day. The agent—there are kind subordinate officials in the Indian Service as well as the other sort—was giving the Indians a feast that day, consisting of frijoles, beef, coffee, and bread.

"I walked with him to the place where the food was. And when I saw the Indians coming out with hungry, eager faces, and trembling hands, I exclaimed, 'Why, these Indians are famished!' He said, 'Yes; this is the only full meal they'll get during the year.' These were the Pima Indians, gentlemen and gentlewomen. Their proud boast is that they have never shed a drop of paleface blood. In the early days they always succored the whites, taking them into their homes when dying of thirst and nursing them to health.

"These Indians were starving because the whites had taken their water from them on the upper reaches of the Gila River. The Government had built a storage dam but had failed to put any laterals down to the Indian land. So for three successive years the Pimas had planted their crops and seen them wither and die. It was all a wicked injustice! They are such fine farmers that when they could get even a little water they took all the sweepstakes in prizes in State and county fairs."

But we are digressing! This article has to do only with personal not property wrongs. Just a word more about cruelty to adults, then we will consider again, briefly, the plight of the little Indian child.

Chain-and-ball treatment for both sexes—in one case an Indian woman was put in a 1-room jail with three men; semistarvation; the giving of spoiled food to helpless old Indians as "rations"; the refusal of reservation doctors to attend women dying in childbirth; permitted bootlegging and moral evils; these cruelties to the Indian race were reported in almost all sections I visited.

Mrs. Gertrude Bonnin—Zitkala-Sa, president of the National Council of American Indians, a descendant of Sitting Bull, and one of the most cultivated women of her race, made the following statement to me:

"During my visit this summer to various reservations, I saw, at one place, Indians bathing the corpse of a man. They cried aloud so hopelessly that I wept with them. The body of the dead did not have a bit of flesh on it. It was just skin and bones. He had starved to death. He had had no food and no proper medical care. I saw hungry Indians everywhere I went.

"Then, too, there is increasing immorality and drunkenness, due to slack supervision, on all reservations."

Now—one last word about the children! The writer is convinced that if the white children of this country, whose beloved outdoor clubs are based on Indian woodcraft and Indian folklore, could know of the treatment the little Indian child is receiving, there would be a modern children's crusade. Perhaps, when the facts are told, there will be a crusade of American white mothers in behalf of the Indian child, our ward.

Think what is required in an average American family to feed a white child one day. Then listen to this, taken from page 327 of the Institute report, regarding the Indian boarding schools:

"The average allowance for food per capita is approximately 11 cents a day. * * * At Rice School (San Carlos Apache Reservation, Ariz.) * * * the average amount spent for food was 9 cents a day. The dietary was examined * * * and it was obvious that the children were not receiving an adequate amount of food even of the very limited variety supplied. Malnutrition was evident. They were indolent, and when they had the chance to play, they merely sat about on the ground, showing no exuberance of healthy youth."

Exuberance? In an Indian boarding school?

LABOR IS ENFORCED IN SCHOOL

I visited a number of these prison-like schools. Everywhere I found extensive provisions for child labor. Provisions for play were almost lacking. In two schools I was shown "recreation rooms." Both were gloomy, musty-smelling basement rooms. And this on the desert where sunlight and space are cheap! But the rooms showed no signs of use. Indian boarding-school children evidently have neither the time nor the vitality for play.

"The labor of children as carried on in Indian boarding schools," the report tells us further on, "would, it is believed, constitute a violation of child labor laws in most States."

And the report goes on to tell us:

"The laundry is an important feature of every Government school. It is one of the chief sources of labor for the pupils. * * * The space allotted to the laundry is often small. At one large school this fact is capitalized. The superintendent reported that he can get much more work out of the children if he keeps large piles of laundry before them. An inspection of the plant verified his statement. A number of small children were literally hidden behind great piles of wet laundry in a greatly overcrowded room filled with steam * * *"

Finally: "The prevalence of tuberculosis in boarding schools is alarming," the report informs us on page 206.

There is not room here to tell of half the horrors in these schools where our little Indian wards spend their lives from 6 to 18, virtually as prisoners, though they have committed no offense except that of being Indians instead of whites.

One investigator last year found 30 children sleeping two in a bed, in single beds, at one school. And at a school in Arizona the writer saw one dormitory which contained 18 beds and only two small outside windows. Bathing and sanitary facilities are usually of the very worst, and epidemics sweep the schools.

Dr. B. O. Thrasher, formerly the doctor at the Fort Apache Indian School, describes as follows the condition of the little Indian children being "civilized" hundreds of miles from their mothers' arms:

"Many of these small boys came to the clinics with their hair filled with nits. Some with crusted sores on their heads from lice. Many with clothing many sizes too large for them. Clothing of some stiff with dirt. Stockings tied up with pieces of string. Some were found using segments of automobile tubes as garters. These little boys were being criminally neglected * * * in their dormitory."

In the Towaoc School, in Colorado, the cook discovered that the dried fruit was full of worms. The attention of the school principal was called to the situation, but he told her that when the water boiled it would sterilize the worms and it would not hurt the children to eat them. She was made to serve this food and also to cook and serve maggoty meat.

More light has been shed on this Towaoc School by the former matron, who loved the children and was loved by them. The flour, she declares, which was stored in the basement, was infested with mice, rats, and weevils. In addition, when the floors above were scrubbed the dirty water would drip down on the flour. Finally she ordered all the flour removed. The school principal, hearing of this, declared that the flour was all right, in proof of which he thrust his hand into a sack. When he withdrew his hand it contained a number of small mice as well as flour. Yet he ordered a portion of the flour used for the children. The remainder was put in storage and given to the poor and old Indians.

The children, this former matron declares, were lice infested and pitifully underclad. Only cheap canvas shoes were provided, gingham dresses, and no petticoats, and only the thinnest of underwear. All were underfed. The food actually "smelled." There was much sickness, and the children received no care. She sent one very sick little girl to the hospital, but the doctor twice returned her, refusing to have her there.

The boarding schools! Everywhere the writer went among Indians she heard the pitiful plea:

"We don't want boarding schools away off; our children come home sick; we want day schools here."

And the bitter complaint from the children: "We work too hard. They don't give us enough to eat."

On the Colorado plain near Ignacio the Utes—in gorgeous bead and feather regalia, for it happened to be the last day of a 4-day sun dance—gathered around the writer and told their troubles. The

elders complained of injustice, of lack of medical care, of cruel neglect of aged Indians. The shy young people, home on vacation, told of harsh punishments in the distant boarding schools.

SCHOOL DISCIPLINE IS CRUEL

And as the writer continued to move about among Indians and whites in half a dozen States she heard more and more of the cruel discipline at the Indian boarding schools.

"I have seen Indian boys chained to their beds at night for punishment," Construction Engineer Russell, of Flagstaff, Ariz., has declared. "I have seen them thrown into cellars under the building which the superintendent called a jail. I have seen their shoes taken from them and they forced to walk through the snow to the barn to help milk. I have seen them whipped with a hemp rope, also a water hose, and forced to do servants' work for employees and superintendent without compensation, under the guise of industrial education."

W. Carson Ryan, jr., professor of education, Swarthmore College, one of the Institute investigators, found these conditions on his trip to Wabpeton, N. Dak.:

"School supplies right down to rock bottom—not sure whether they can hold out, and superintendent may have to keep youngsters alive out of his own pocket. Rations consist of bread and mush. This and other schools in the Dakotas and Minnesota make one wonder if Dakota is not the Siberia of the Indian Service."

"The superintendent showed me a dungeon in the basement previously used for girls, up to his coming two years ago. 'I never locked up any Indian child yet, and I don't intend to begin,' he said. The dungeon is 18 by 8, absolutely dark. Girls told the superintendent of two or three of them sleeping there on mattresses and rats crawling over them at night. Their food was bread and water. Brick walls showed where the girls had worked holes through and escaped."

Finally Mrs. Bonnin made to the writer the following statement in regard to the Oglala School in South Dakota:

"Conquering Bear's two boys were in Oglala boarding school, and they ran away to Corn Creek, about 40 miles away. Policeman Jumping Eagle and the disciplinarian went after them and brought them back and gave them a severe beating. They were about 12 and 14 years at the time. Their heads were shaved, though it was winter. One of the boys had a ball and chain locked onto his leg and was locked to the bed at night. My informant saw this herself. The boys were in the jail above her room. They were in a dirty, filthy place, with a bucket to be used as toilet."

"She said it hurt her so to see all these things, such as this little boy carrying the ball when marching to meals, that she could not eat. The boy even went to school with the ball and chain on, and it bothered the other children. Many requests were made to the principal to have the disciplinarian take the chain off, but days went by before this was actually done."

And Mrs. Bonnin related this incident:

"A district-school teacher, still in the Indian Service, hitched 12 little boys together and plowed an acre of ground. When a boy lagged behind because of exhaustion he was prodded with a sharp stick. The father of one of the boys told me this during my visit last summer."

WHO IS RESPONSIBLE?

What of the Indian Bureau—the Indians' "guardian"—while these things are taking place? Are these frightful conditions never reported to the Indian Commissioner and Assistant Commissioner?

I am informed they are. That every now and then some bureau employee, placing loyalty to humanity above loyalty to superintendent or other petty superior, reports conditions directly to Indian Commissioner Burke.

For example: Dr. S. S. Warren, at the Leupp Boarding School on the Navajo Reservation, made such an appeal, in desperation, during an epidemic in 1925 to save the lives of little Navajo children. First, however, he notified the local superintendent of the epidemic, as follows:

"We have approximately 100 cases of measles and 7 cases of pneumonia. Having just gone through an epidemic of influenza, our nursing force of teachers and two nurses are worn out and unfit for duty."

For a time he made these appeals daily to the reservation superintendent, urging the desperate need of more nurses and medical assistance. He did not get either. Finally, as a last measure, with children dying all about him needlessly, he wired directly to Indian Commissioner Burke on April 29 in these words:

"We have had an epidemic of measles and influenza since March 17. Four deaths, and typhus suspect in hospital now. Dormitories and hospitals foul with contagion. No sanitary measures have been taken in conformity with public health and State laws to clean up. Children being bedded in and occupying quarters used for the sick, to the future detriment of health."

Doctor Warren obtained no aid. Six months later the following rebuke was sent him:

"In the Indian Service all matters of importance should be carried out through the superintendent as administrative officer. If you will inform the superintendent in writing as to what you believe should be done * * * your responsibility ceases. All such matters are

checked up sooner or later, and should the superintendent fail in his duty he must take the consequences."

Checked up sooner or later? Ah, no doubt.

But the dying little Navajos had not been able to wait. They had gone on the long trail to hunting grounds which, we hope, were happier than those.

Edwin M. Stanton, Secretary of War in Lincoln's Cabinet, said in 1864, when Bishop Whipple, of Minnesota, was in Washington on behalf of the Sioux Indians:

"What does Bishop Whipple want? If he has come here to tell us of the corruption of our Indian system and the dishonesty of Indian agents, tell him that we know it. But the Government never reforms an evil until the people demand it. Tell him that when he reaches the heart of the American people the Indians will be saved."

CONSTRUCTION OF CRUISERS

Mr. JONES. Mr. President, I have here two letters in the nature of petitions. One of them is from Rev. Robert H. Lynn, pastor of the Sixth Avenue Baptist Church in Tacoma. The other is from former Judge Austin E. Griffiths, a very prominent citizen of Seattle. Each of these letters is in the nature of a protest against the passage of the cruiser bill. I merely want to make that statement, without asking that they be printed. I present these letters and ask to have them referred to the Committee on Naval Affairs.

The VICE PRESIDENT. They will be so referred.

REPORTS OF COMMITTEES

Mr. WATSON, from the Committee on Finance, to which was referred the bill (S. 3233) authorizing the issuance of duplicates of certain notes to Harry E. Good, reported it with amendments and submitted a report (No. 1509) thereon.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 2206) to amend section 260 of the Judicial Code, as amended, reported it without amendment and submitted a report (No. 1511) thereon.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 5543) to establish the Grand Teton National Park in the State of Wyoming, and for other purposes, reported it without amendment and submitted a report (No. 1512) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 5325) authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa, reported it with an amendment and submitted a report (No. 1513) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 5165) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, in Ramsey and Hennepin Counties, Minn. (Rept. No. 1514);

A bill (S. 5301) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on Tennessee Highway No. 9 in Cocke County, Tenn. (Rept. No. 1515); and

A bill (S. 5377) to extend the time for constructing a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind. (Rept. No. 1516).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 5066) extending the times for commencing and completing the construction of a bridge across the St. Francis River at or near St. Francis, Ark. (Rept. No. 1517);

A bill (S. 5129) authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou, at a point where State road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla. (Rept. No. 1518);

A bill (S. 5194) authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa. (Rept. No. 1519);

A bill (S. 5377) granting the consent of Congress to the Pittsburgh & West Virginia Railway Co. to construct, maintain, and operate a railroad bridge across the Monongahela River (Rept. No. 1520);

A bill (S. 5378) authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa. (Rept. No. 1521);

A bill (H. R. 13502) authorizing the State of Minnesota and the State of Wisconsin to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn. (Rept. No. 1522);

A bill (H. R. 13976) granting the consent of Congress to the International Business Co. (Inc.), its successors and assigns, to construct a bridge across the Ohio River at or near Ashland, Ky. (Rept. No. 1523);

A bill (H. R. 14146) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River in the city of Pittsburgh, Allegheny County, Pa. (Rept. No. 1524);

A bill (H. R. 14164) granting the consent of Congress to the city of Knoxville, Tenn., to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Henley Street, in Knoxville, Knox County, Tenn. (Rept. No. 1525);

A bill (H. R. 14451) to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania" (Rept. No. 1526);

A bill (H. R. 14469) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa. (Rept. No. 1527);

A bill (H. R. 14481) granting the consent of Congress to the Chicago South Shore & South Bend Railroad to construct, maintain, and operate a railroad bridge across the Grand Calumet River at East Chicago, Ind. (Rept. No. 1528);

A bill (H. R. 14919) granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Cedar Street, Youngstown, Mahoning County, Ohio (Rept. No. 1529);

A bill (H. R. 14920) granting the consent of Congress to the State of Wisconsin to construct and operate a free highway bridge across the Rock River, at or near Center Avenue, Janesville, Rock County, Wis. (Rept. No. 1530);

A bill (H. R. 15072) to extend the times for commencing and completing the reconstruction of the bridge across the Grand Calumet River at Burnham Avenue, in Cook County, Ill. (Rept. No. 1531);

A bill (H. R. 15084) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near Reedsdale Street in the city of Pittsburgh, Allegheny County, Pa. (Rept. No. 1532);

A bill (H. R. 15269) to extend the times for commencing and completing the construction of a bridge across the Red River at or near Coushatta, La. (Rept. No. 1533); and

A bill (H. R. 15470) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn. (Rept. No. 1534).

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 13882) to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska, reported it with an amendment and submitted a report (No. 1535) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3100) to facilitate and simplify the work of the Department of Agriculture in certain cases (Rept. No. 1536); and

A bill (S. 5058) for the relief of George A. Hormel & Co. (Rept. No. 1537).

Mr. FESS, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5360) to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital, reported it with an amendment and submitted a report (No. 1538) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 4811) for the relief of C. J. Colville, reported it without amendment and submitted a report (No. 1539) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (H. R. 924) for the relief of Joe D. Donisi, reported it with an amendment and submitted a report (No. 1540) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (H. R. 8748) for the relief of James W.

Bass, collector of Internal Revenue, Austin, Tex., reported it without amendment and submitted a report (No. 1541) thereon.

Mr. PITTMAN, from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 11360) to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project, reported it with amendments and submitted a report (No. 1542) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills:

S. 1511. An act for the exchange of lands adjacent to national forests in Montana; and

S. 3949. An act to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.).

RIGHTS OF NEUTRALS AND FREEDOM OF THE SEAS

Mr. REED of Missouri. Mr. President, out of order I ask unanimous consent that Senate Resolution 294, which I introduced and had laid on the table, may retain its position on the table without prejudice.

The VICE PRESIDENT. Without objection, it is so ordered. Mr. REED of Missouri. I am not certain whether I introduced the resolution, which relates to executive business, in open executive session or whether I introduced it in legislative session. I ask that the order be broad enough to cover it in either event.

The VICE PRESIDENT. It was introduced in legislative session.

Mr. REED of Missouri. Very well; then the order is sufficient.

AMENDMENT OF THE RULES

Mr. JONES. Mr. President, I desire to give a notice pursuant to the rule, and I ask that it be read from the desk.

The VICE PRESIDENT. The notice will be read.

The Chief Clerk read as follows:

I hereby give notice that on Monday, or as soon thereafter as may be possible, I shall present a motion to amend Rule XXXVIII of the Standing Rules of the Senate relating to proceedings on nominations in executive session by adding an additional paragraph to said rule, to be designated as No. 7, as follows:

"7. Hereafter nominations shall be considered in open executive session, unless the Senate, in closed executive session, shall by a two-thirds vote determine that any particular nomination shall be considered in closed executive session, and in that case paragraph 2 of this rule shall apply to such nomination and its consideration."

POLICE PROTECTION DURING INAUGURATION

Mr. VANDENBERG. From the Committee on the District of Columbia I report back unanimously the usual joint resolution to provide for police protection and other general protection of life and property during the inauguration. I think there will be no debate on the matter. It is quite essential that it should have immediate action. I ask unanimous consent for its consideration at this time.

Mr. BLEASE. Let it be read, please.

The VICE PRESIDENT. The joint resolution will be read.

The Chief Clerk read the joint resolution (S. J. Res. 198) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929, as follows:

Resolved, etc., That \$25,000, or so much thereof as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, is hereby authorized to be appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1929, both inclusive, including the employment of personal services, payment of allowances, travelling expenses, hire of means of transportation, cost of removing and relocating street-car loading platforms, and other incidental expenses in the discretion of the commissioners. Said commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period; and to grant, under such conditions as they may impose, special licenses to peddlers and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia, and to charge for such privilege such fees as they may deem proper.

Such regulations and licenses shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia, and in such other manner as the commis-

sioners may deem best to acquaint the public with the same; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed \$100 in the police court of said District, and in default of payment thereof, to imprisonment in the workhouse of said District for not longer than 60 days. And the sum of \$2,000, or so much thereof as may be necessary, is hereby likewise authorized, to be expended by the Commissioners of the District of Columbia for the construction, rent, maintenance, and expenses incident to the operation of temporary public-comfort stations, first-aid stations, and information booths, during the period aforesaid, including the employment of personal services.

Mr. ROBINSON of Arkansas. Mr. President, I understand that this is the usual joint resolution which has been adopted on previous occasions.

Mr. VANDENBERG. It is the usual joint resolution adopted prior to 1924.

Mr. DILL. Mr. President, what is the total appropriation for expenses in connection with the inauguration?

Mr. VANDENBERG. Does the Senator mean the complete total, including everything?

Mr. DILL. I understand \$45,000 has been already appropriated.

Mr. VANDENBERG. I am unable to answer the Senator. This provides for an ultimate maximum of \$25,000, which I understand from the District Commissioners this morning is the limit appropriated prior to 1924, and they say it is not in conflict with the financial program of the President and has the O. K. of the Director of the Budget.

Mr. DILL. I do not want to dispute the commissioners, but it seems to me a very large sum for the simple purpose of moving platforms around and making other arrangements.

Mr. VANDENBERG. It is to defray the cost of bringing 200 policemen from Baltimore for one thing. That has been done heretofore.

Mr. ROBINSON of Arkansas. Mr. President, on these occasions I am told that it has been the custom to employ a large number of special police.

Mr. VANDENBERG. That is correct.

Mr. ROBINSON of Arkansas. Some of them are imported from other cities.

Mr. VANDENBERG. That is correct.

Mr. ROBINSON of Arkansas. The police duties have been very largely increased by the presence of so many Republicans in Washington.

Mr. VANDENBERG. There will be an unusually large number this year from States which usually have not contributed to our celebrations.

Mr. SACKETT. It is to protect the Democrats in Washington against the Republican hordes that are coming in.

Mr. BLEASE. Mr. President, I am not going to object to the consideration of the joint resolution; but I think it is a reflection on the American people that the Congress of the United States, because a man has been elected President, especially by the wonderful majority received by Mr. Hoover, must spend \$25,000 in the face of these orderly Americans, to hire policemen to keep them from violating the law. As I have said, I shall not object; but I am really against it, and I think it is a reflection on the American people.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KILLINGS BY PROHIBITION OFFICERS

Mr. BRUCE. Mr. President, I would like to have inserted in the RECORD a summary from a publication known as the Minute Man of killings by prohibition officers, and also from the same publication another summary of murderous assaults and outrages by such prohibition officers.

In addition to these summaries I also desire to have inserted in the RECORD a newspaper account of the latest killing of the kind. It is the killing by a deputy constable of a little girl 6 years old at Clinton, Mo., on or about the 22d of this month.

The VICE PRESIDENT. Is there objection?

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Greenville (S. C.) News, October 19, 1925]

KILLINGS BY PROHIBITION OFFICERS

J. D. PITTMAN

Justifiable homicide in self-defense was undoubtedly the view taken by Federal Judge Cochran of the killing of J. D. Pittman by Federal Prohibition Agent Seabrook and State Constable Harrington in Beaufort

County last May. In directing a verdict of not guilty the judge expressed the view that the officers were within their rights in their methods of boarding the craft occupied by Pittman.

The decision undoubtedly is in conformity with the interpretation placed by the courts upon the rights of prohibition officers in making searches and seizures. The homicide is, nevertheless, an illustration of the trouble-making (sic) possibilities that frequently arise under the prohibition law and the efforts to enforce it.

The testimony adduced at the trial shows that the officers had information of the expectancy of a shipload of liquor in that vicinity. Seeing what they thought to be a signal, they approached Pittman's boat, which was on blocks. It was nearly midnight; and supposing the Pittman boat to be the one referred to in their source of information, they boarded it and were in the act of crawling along the deck when they were discovered by the owner. When Mr. Pittman discovered them the officers called out to him to hold up his hands, declaring that they were officers and desired to search the boat. Mr. Pittman, instead of doing as commanded, went into the cabin, got a gun, and fired, whereupon the officers returned the fire and killed him.

The investigation and trial established several facts. One was that the boat was not the one supposed to be carrying a quantity of liquor. The search revealed less than a quart of liquor. Several witnesses also testified that Pittman, to their knowledge, was not engaged in the liquor business, but made his living by hunting and trapping. Another fact fairly well established was that the boat was occupied by Pittman as his home, and that he had no other home. Still another fact was that the officers in boarding the boat to search had no warrant authorizing them to make a search.

It is well established, of course, that a man's home is his castle and can not be invaded, even by officers, without warrants. But while the boat may have actually been Pittman's home, there was nothing to indicate that it was a home, and the officers presumably entered it without knowing that it was such. They regarded it as a craft or vehicle, which it was to all appearances. While there was little liquor aboard, the officers may be construed as having had reason to believe that it was a craft transporting or having in storage a quantity of liquor in violation of the law.

The courts have held that where officers have good reason to believe that liquor is being transported illegally, they have the right to enter upon and search such suspected vehicles without a warrant. And this ruling is the reason why many fatalities and much serious friction have come about through natural errors made in the attempt to enforce the prohibition law.

Such an interpretation of the rights of officers would seem to be necessary if officers are to make any real headway in stopping the illicit transportation or storage of liquor. Yet it has cost the lives of many citizens. Officers' suspicions have often been unfounded; often untactful conduct is employed by officers; often a citizen is unduly (sic) resentful of the effort to search his effects; often, again, the citizen either fails to learn that the invaders are officers of the law, or, if he is so informed, may sometimes be in fear that highwaymen or bandits are using the ruse to rob him; and various combinations may lead, as they frequently have led, to fatalities for which there appears to be no legal blame.

The pint or so of liquor which Pittman had does not seem to enter into the grounds upon which this case was settled, and for the sake of an illustration let us suppose that Pittman had never violated the prohibition law at all, and had never drunk a drop of liquor. Suppose that officers under the mistaken belief that his boat was a vehicle being used for liquor, entered it under the legal authority of the prohibition law. Suppose that Pittman, on the other hand, regarding his boat as his home and his castle, determined to exercise his right to prevent an unlawful invasion of it by officers or anybody else. Under this illustration both parties would have been acting according to their legal rights, and either would probably have been freed for the killing of the other.

Many lives have been taken in the enforcement of the prohibition law through such combinations of errors (sic), many of them perhaps natural and perhaps unavoidable on both sides. Just what is to be done about it is a problem for wiser heads than ours to solve. Greater care and greater caution on the part of officers who, because of their duties, must initiate these events, may reduce, though it will not wholly remove the danger of such fatal clashes.

The situation appears to be peculiar to the prohibition law. The effort to enforce it thoroughly appears to make necessary the taking of a human life now and then.

In May last year a poor hunter and fisherman named Pittman, whose only home for years was his boat, was wantonly slain in the dead of night by a Federal prohibition agent named Seabrook and a State constable by name Harrington.

Seabrook and Harrington were tried for murder in a Federal court in October, 1925, and the learned Judge Cochran, under the authority of the Supreme Court decision in the Carroll case, directed an acquittal, although it was admitted that the officers had no search warrant, and further that they had no grounds for suspecting the boat to be a rum

runner, as it was on blocks and consequently on land and not a movable object.

On September 5, 1926, a drag-net raid took place in what is known as the Hell Hole section of Charleston, S. C., in which over 100 men took part, resulting in a bag of 33 men. The chief aide of the chief, Dunning, was an "undercover" man by name C. D. McKnight, a former "king of the rum runners" of that section.

Among the caught was Alonzo B. Seabrook, one of the killers of the poor, friendless Pittman.

We quote from the news account of what was unearthed in the Seabrook home:

"Prohibition Agent Seabrook was arrested at his home by Deputy United States Marshal C. H. Schaltz, who was accompanied by McKnight and several other prohibition agents. His house was searched.

"Officers claimed they found 14½ gallons of moonshine whisky in the house and \$1,155 in bills, of which \$390 was marked money, alleged to have been given to Seabrook by planted rum runners under Dunning's direction."

It is reported that Seabrook is a rich man, all of his money obtained since his appointment as a prohibition officer.

[From the Asheville (N. C.) Citizen, June 2, 1925]

STEPHEN S. HOLT

RALEIGH, June 1.—Stephen S. Holt, Smithfield attorney, was instantly killed this afternoon when Detective Jesse Wyatt, of the Raleigh police, fired on an automobile that failed to stop at his order.

The shooting occurred 3 miles out from Raleigh on the Smithfield Highway about 4 o'clock. Wyatt was accompanied by Police Chief Winder Bryan, and both in civilian clothes, suspected the car of carrying liquor. As it passed he signaled for it to stop, and when it failed to respond to his order he fired, the ball plowing through Holt's brain.

A jury impaneled this evening by Coroner L. M. Waring ordered Wyatt held pending action by the grand jury. The officer previously had been allowed to go to his home after reporting at police headquarters, but after the verdict of the coroner's jury he was arrested and confined. It was expected bond would be arranged.

Mr. Holt had been in Raleigh appearing before the Federal court and was on his way home. He was riding on the back seat with J. Will Wright and Joe Woodard, both of Smithfield, while Doc Woodard and A. H. Woodard were on the front seat, the latter driving.

The car halted about 3 miles out while one member of the party went into some woods near by. Wyatt and Chief Bryan, up the road some distance, saw it stop and in a few minutes start off again. That, according to reports on the shooting, was the basis for the suspicion that it was carrying liquor. When the machine passed the officers the order to stop was given.

The men in the car insisted that they did not recognize any signal to stop, nor did they particularly notice the officers on the side of the road, as they were not dressed in uniform.

Detective Wyatt said he fired at a rear tire, and suggested that the ball must have struck the pavement instead and glanced upward, penetrating the rear curtain, and striking Holt. An examination of the pavement revealed no evidence of an indentation such as a bullet might make, Smithfield persons who visited the scene afterwards said.

A search of the car disclosed no liquor, and no member of the party had been drinking, it is said.

Mr. Holt was 49 years of age and had been practicing law in Smithfield for many years. He leaves a wife, three children, and three stepchildren, besides brothers and sisters.

[Special to the New York Times]

OTTO ESKE

PLATTSBURG, N. Y., August 11.—Otto Eske, of 527 Timpson Place, New York City, was shot and killed to-day by Federal dry agents near Cooperville, a hamlet about 20 miles north of this city, while attempting to run an automobile laden with liquor past the Federal officials. Henry Denner was in charge of the Federal forces and was accompanied by Kenneth Bates, Edward Kearns, and Samuel Dickson.

Eske was driving one of three rum-running cars which had crossed the border a few minutes before the shooting. The Eske machine was the last of the three in line, and was met by a fusillade of bullets near a bridge outside the village. In the midst of the shooting Eske turned his automobile into a dirt road and was followed by the officers. About 2 miles from where the shooting occurred the car was found at the side of the highway with Eske still grasping his wheel, but dead, a bullet from one of the dry agents' guns having pierced his neck, severing the jugular vein.

The shooting has caused a sensation throughout this entire section, and threats are heard on all sides because of what is regarded as unjustified use of guns by Federal officers in the arrest of alleged violators of the law.

A quantity of Canadian ale was found in Eske's car.

[From the Cleveland Press, August 20, 1925]

UNBORN CHILD

Suit for \$25,000 was brought in common pleas court Thursday against W. J. Patrick, East Cleveland dry raider, charging him with having by his conduct caused the death of an unborn child. The suit for \$25,000 was brought by France R. Wiggins, 4716 Hough Avenue. He charges that Patrick and five men forcibly entered the home of his wife's mother at 3382 East One hundred and second Street while his wife was confined to bed. Despite his pleas, he charges, Patrick and his men disregarded his wife's condition, struck and pushed him, and ransacked the house, including the room in which she was. Alarmed by their presence, his wife fell from the bed, with the result that her child was born prematurely. The child suffered from a heart imperfection because of the operation, he said, and died on July 3.

[From the Newport News (Va.) Press, September 19, 1925]

UNNAMED NEGRO

Thursday night, while Representative JOSEPH T. DEAL, of Norfolk, was explaining to an audience in this city how the Constitution of the United States was being flagrantly violated in enforcing the eighteenth amendment, the body of a colored man was lying in his humble home in Elizabeth City County rigid in death, having been pierced by a bullet in the back fired by a county constable while the man was fleeing in an attempt to escape arrest, according to the verdict of the coroner's jury.

The man who was shot was apprehended in a place where a still was being operated and was fleeing to escape arrest, it is alleged, when the officer fired upon him. Under the Layman Act the operation of a still is made a felony, and the officer may have been justified in law in using his weapon. But every such killing prejudices the public more and more against the prohibition enforcement act.

[From the Chicago (Ill.) Tribune, August 4]

JOHN BUONGORE

John Buongore, a veteran of the World War and later an enlisted man in the Sixth Field Artillery at Camp Meade, was entrapped by two prohibition agents at Havre de Grace, Md. They gave him an order for liquor and he delivered two quarts of whisky to them. One of the agents was Joseph A. Ferbershaw, sent from Washington to Havre de Grace.

Buongore was placed under arrest and he asked permission to telephone his wife. He was allowed to do so, and took the opportunity to run away. Ferbershaw shot him twice in the back while he was running and a third time after he had fallen, killing him. The coroner's jury immediately held the agent for an unjustified killing and he was put in jail.

This was a brutal, inhuman killing. In spite of the rights which an officer of the law has to subdue a person resisting arrest or to stop one running away from him after arrest, it was murder done with official authority. It was dehumanized ferocity consistent with the history and precepts of fanaticism. The local authorities ought to seek for responsibility above the agent who did the killing, and if it is found that this man's superiors in Washington gave him instructions to shoot and kill on such occasions have them also indicted for murder.

There are many people in the United States who think that Buongore ought to have been killed if he tried to run away after selling two quarts of whisky. They do not believe that any methods of preventing the sale of intoxicants can be too severe. They have more sympathy for a man killer than for a violator of the Volstead Act. They indorse punishment by injunction and contempt proceedings and by trial without jury. They indorse search and seizure without writs, the invasion of homes without authority. They indorse double jeopardy. They indorse entrapment. They are contemptuous of all the protections which the law heretofore has put around the individual.

The former disposition of courts was to frown on a case or throw it out if the agents of the law had solicited the accused to commit the crime of which he was charged. It is frequently an easy way of getting evidence, but in many cases morally offensive.

The moral support given prohibition enforcement officers in any methods they care to use to take violators of this sumptuary law is indicative of the fanatic spirit of part of the country. Quick-trigger shooting has become one of the characteristics of enforcement, which has no regard for any of the old rights of the citizen. Pleasure yachts have been fired at by Government boats. The suspicion that they might be rum runners was enough. That has happened off the seacoast and in the Great Lakes. When the Yale and Harvard crews were in training on the Thames the coaches' boat was fired at. These incidents caused a great protest, as they should, and brought an order to stop it.

When law steps out of its proper field of activity it releases a multitude of disorders, and no law ever before let loose so many of them as the Volstead Act has. The rule of fanatics is a rule of terrorism.

[From the Newport News (Va.) Herald, July 2, 1925]

ROSCOE E. BRUNER

Roscoe E. Bruner, a youth 20 years of age, lies in a hospital in the town of Norton, Va., with a bullet hole in his back, put there, it is believed, by an officer of the law.

The youth was shot while riding in an automobile in company with his brother and another youth. The boys say they were returning to their home in Lee County after having attended a singing in the neighborhood, when they saw two cars parked on the roadside. One of the cars pulled out of the way and the boys drove on, but just as they passed a man jumped out of each of the parked cars and yelled at them to stop. Then one of the men fired at the car in which the boys were driving and young Bruner was shot in the back, as he was riding on the rear seat.

That is the story related to the sheriff by the boys, after which the sheriff started to the scene of the shooting. On his way he met five men, two of whom were officers. The officers professed to know nothing of the shooting, but the sheriff examined their pistols and found that both had been fired. The sheriff then called one of the other men in the party aside and asked him about the shooting. This man gave much the same account of the shooting as the boys had given, and the sheriff placed the officers under arrest. The sheriff further said that none of the boys had been drinking and he found no liquor in their car.

In a Richmond hospital is a youth from another State who was shot under similar circumstances.

In Newport News two nights ago a prominent citizen was driving quietly through the city in an automobile, accompanied by his wife and child, when a car came dashing up at a speed estimated to have been 50 miles an hour. At the corner of Thirtieth Street and Madison Avenue the approaching car struck the car in which the citizen and his wife and child were riding and turned it around, but, as if by miracle, no one was seriously hurt.

It turned out that the offending car was run at a breakneck speed through the streets because it was being chased by a police officer in another car, on the presumption that the car ahead was driven by a bootlegger.

[From the Charlotte (N. C.) Observer, June 22, 1925]

LEONARD TRIPLETT

BLOWING ROCK, June 21.—Leonard Triplett, about 20 years old, is dead, and H. W. Wooten, 40, deputy sheriff of Watauga County and former chief of police of Blowing Rock, is in jail at Boone under a charge of murder as a result of an affray about 2 miles northwest of there last night.

The affray had its inception in a raid made by Wooten and Chief of Police J. V. Bauguss on a small roadster occupied by Triplett and two companions, Hal Teague and Jack Hampton.

It seems from all information obtainable that Bauguss and Wooten, the latter of whom did police duty here in addition to his work as deputy sheriff of Watauga County, were out on a liquor raid. Wooten said in jail this morning at Boone that they had information that Triplett and his companions were bringing liquor into Blowing Rock. According to best accounts, they stopped the car bearing Triplett and his companions and searched it.

Finding no liquor, they ordered him to move on, and went to raid another car in the same party which contained six young men. No liquor was found here also, Wooten said. While they were raiding the second car, it is said that Triplett and his companions came up and began abusing the officers, who had raided them and found no whisky. Here is where the evidence conflicts.

The side represented by the officers states that Triplett and his crowd began assaulting Wooten, while the other side claims nothing of the sort was attempted.

Wooten stated this morning that seven of the men in the party jumped on him and that he tried to make for his automobile. He said that while he was on the running board of his car the crowd started at him again and that he shot in self-defense. The other side claims that Wooten addressed Triplett with an oath saying, "I'll get you, you * * *," and forthwith shot. Death was instantaneous.

Wooten admitted none in either auto party was armed.

The body was brought back to Blowing Rock in the second car that was raided, and Wooten immediately made his way to Boone, where he gave himself into the custody of Sheriff L. M. Farthing, and is being held pending a hearing, which is scheduled for to-morrow.

Triplett's reputation here is of the best. He has been in the employ of the village on several occasions, but never before, it is said, has he run afoul the law.

JACOB D. HANSEN

Jacob D. Hansen, secretary of the Lodge of Elks, Niagara Falls, N. Y., was murderously assaulted by two ununiformed members of the Coast Guard hunting under orders for liquor. He had none.

He was shot through the head, the bullet putting out both eyes, this on the morning of May 6, 1928.

Jacob D. Hansen died in October, 1928.

ROSS W. HUGGINS

TUCSON, ARIZ., September 28, 1928.—Border-patrol officers shot and killed Ross W. Huggins, of Tucson, and an unidentified negro near Deming, N. Mex., yesterday, when the two failed to stop their automobile as ordered. The officers said the automobile in which the men were riding was loaded with liquor.

ELISHA NORTHCUTT

In Anderson, Ind., on August 8, 1923, Elisha Northcutt, of 1520 Hendricks Street, was shot and killed by Seth Ward, deputy State prohibition officer of Indianapolis; witnesses, Fred Pettigrew and Lex Bricker.

Ward attempted to search Northcutt's premises; he was asked by Northcutt to read his search warrant; witness Bricker states that Ward said he "needed no warrant to make the search"; Northcutt, resisting, was shot and killed by Ward.

THOMAS MONTEFORTE

In April, 1924, two Federal agents, Samuel Kupferman and Robert J. Owens (see comment below), went to the garage of Thomas Monteforte, 245 North Eighth Street, Brooklyn, searching for liquor. Monteforte resisted and was shot dead and his brother was shot in the back. No shots were fired except by the Federal officers.

Robert J. Owens figured as the chief of the Federal raiders in an unlawful search and seizure in the home of H. G. DeFritsch, New York City, some three months after this killing, conclusive proof that he had not lost standing as an officer of the law. He was dismissed from the service, and that will probably be his only punishment.

Chief prohibition enforcement officer for New York, Merrick, remarks that it was "an honest mistake."

JOE AND HERMAN BAZEMORE

SYLVANIA, GA., July 15 (Associated Press dispatch to the Evening Star, Washington, D. C.).—Joe and Herman Bazemore, brothers and prominent Screven County farmers, were shot and killed last night on a road about 4 miles from here by Policeman J. V. Dolan, who stopped the automobile, in which they were riding with two of their children, to search it for whisky.

The policeman, who brought the bodies to a local undertaking establishment and then reported the affair to county authorities, asserted that the Bazemores drew revolvers on him and a brother officer as they approached to explore the contents of the automobile. He said he fired, killing them instantly, when it became apparent that they intended to shoot.

J. TOM BRITT

On April 13, 1923, the automobile of J. Tom Britt was chased by officers near Columbus, Ga., who suspected it carried liquor. Mrs. Britt was driving, and not halting on their demand they fired and killed Mr. Britt, who was shot through the back. There was no liquor in the car.

LOUIS LIZOTTE

An Associated Press dispatch from Caribou, Me., May 14, 1925, reports:

"Louis Lizotte, of Connor, died in a hospital here to-day seven hours after he had been shot by a highway policeman, who opened fire on a speeding automobile in an effort to force the driver to stop. No liquor was found in the automobile."

[From the Chicago Tribune, September 8, 1926]

UNNAMED VICTIM

Another minister of the gospel has been taken in charge accused of murder in the first degree. The killing occurred in a raid upon a moonshine still in the neighborhood of Orting, Wash., the raid being initiated by the clergyman, the Rev. George A. Seeley, pastor of the Free Methodist Church and publisher of the Orting Oracle, who, suspecting or learning of the existence of the still, called upon Federal prohibition agents and led them to the spot. The Reverend Seeley asserts that he himself did no shooting, but was armed. He and the Federal agents say they were fired on and responded in self-defense. The victim was shot in the back, and the local prosecuting attorney calls it "a case of cold-blooded murder."

CARL STIERLE

Prosecutor Morris Parks, accompanied, so the account runs, by prohibition officers from Indianapolis, shot and killed on July 19, 1926, Carl Stierle, a suspected rum runner. Parks claimed he shot in self-defense; that Stierle had drawn a revolver and thrown it away after he was shot. No revolver was ever found; he was shot in the back and then threw his revolver away!

[From the Charlotte (N. C.) Observer, December 17, 1926]

UNNAMED MAN

Out in Arkansas, in which a sheriff and four deputies were out looking for moonshine stills, when an automobile occupied by four young

men went by. They told the driver to halt—were not heeded. Then the officers opened fire. At least 25 shots were directed at the automobile and one of the young men was killed. Then the sheriff and his posse found that the boys were not mixed up with whisky at all but were returning from a hunting trip.

Of course, the officers were sorry but their sorrow does not atone for the life of an innocent man nor for the outrage against the privileges of the highway. The sport of shooting into automobiles is not likely to be checked in States where the custom is not outlawed, as in North Carolina, until the courts begin sending the shooters to the penitentiary, or, in cases like that we have just narrated, to the gallows or electric chair.

PAUL PIETROWSKY

SEATTLE, WASH., June 3, 1927 (by A. P.).—Paul Pietrowsky, 70, skipper of an unnamed cabin launch, was fatally wounded by machine-gun fire from Coast Guard cutter 269 near Acorte, Wash., when he brandished a shotgun at guardsmen who sought to board his ship in search of liquor.

Boatswain John H. Davis ordered the gunner to fire at Pietrowsky when the aged skipper raised his weapon as the boarding party approached, according to a report received by Capt. F. G. Dodge, Coast Guard commandant here.

Pietrowsky died on board the cutter. No liquor was found on the boat, Davis reported.

[From the Scottsbluff (Nebr.) Republican, July 23, 1926.]

WILLIAM TRUTE

About the worst crime that has yet been perpetrated by so-called prohibition officers is the one at Tecumseh, where another bonehead ignoramus got smart with a gun and killed William Trute, a 48-year-old Tecumseh carpenter simply because Trute refused to throw up his hands when the bonehead shouted the order at him from the cover of a hayrack in Trute's own barn.

An officer named Hurllett went to Trute's house to look for liquor. None was apparent so he left a fellow by the name of Holden guarding the barn while the officer went away, presumably for a search warrant. Before he returned Trute came home and went out to the barn to see who was prowling around. When he entered the barn Holden commanded him to put up his hands. Trute refused and started toward the hayloft and the lunatic in the loft shot him in the back. Trute died the next morning.

The officer who took Holden along with him is just about as much to blame as Holden himself. He left an armed halfwit in possession of a gun and obsessed with the idea that he was under the cloak of the law. The man was not even deputized. If Holden is a murderer, then Hurllett is an accomplice.

[From the Jacksonville (Fla.) Journal, April 27, 1927]

ERMON H. JONES

MIAMI, FLA., April 26.—Three Coast Guard men were indicted on charges of first-degree murder by the Dade County grand jury yesterday afternoon. The guardsmen are Boatswain H. P. Parry and James Kazlon and M. E. Lowery, all charged with the death of Ermon H. Jones, of Miami, who died in a hospital here April 16 from the effects of a bullet wound in his head, received March 14, when coast guards are alleged to have fired on a pleasure yacht on which he was a passenger.

According to testimony at the coroner's inquest, Jones and three friends were on a small yacht in the bay south of Miami, when they sighted another small craft at nightfall. It proved to be a Coast Guard picket boat.

The occupants of the pleasure craft, however, thought it was another pleasure craft, they testified at the coroner's inquest, and started to race with it.

They heard no shooting, Brown, an occupant of the boat on the night of the shooting, testified, and did not know they were under fire until Jones staggered and slumped to the deck, holding his head.

The coast guards, in testifying, declared that they saw a number of flashes from the pleasure craft and thought it was pistol fire. Hallman and Brown declared it was the motor backfiring, but Parry, at the inquest, declared he picked up two empty cartridges on the boat. He did not produce them at the inquest.

[From the Nashville Tennessean, July 17, 1927]

(Special to the Tennessean)

WALTER LORRANCE

MANCHESTER, TENN., July 16.—W. B. Stone and Clay Conatser, United States prohibition agents, charged with the murder of Walter Lorraine, were bound over to the grand jury under bond of \$10,000 Saturday afternoon in a preliminary hearing before Magistrates E. R. Holmes and J. W. Powers. The bond was executed.

Lorraine was shot and instantly killed on June 23 near the Cannon County line following a raid by the officers on a wildcat still at which it is alleged he was at work.

Testimony at the preliminary hearing purported to show that Lorraine was shot in the back, the bullet severing the spinal cord and going through the body. Witnesses said that Stone a few minutes after the shooting said, "We officers killed him. Lorraine turned on us with a knife and we had to take care of ourselves."

WILLIAM RISK

The Denver (Colo.) Post, September 12, 1925, reports that three Federal prohibition officers were charged with gross cruelty to a prominent Colorado cattleman, near whose ranch a mountain still had been discovered. The agents handcuffed him with his arms around a tree and then ordered him to confess that he was a moonshiner. L. A. Williams, the cattleman, has brought suit, alleging unlawful restraint, assault, torture, intimidation, and abuse. They also searched his ranch without warrant and found nothing.

According to the same paper, the three agents the day before killed William Risk, manager of the Harry Gehm Cattle Co. ranch, 11 miles from Divide, Colo., after seizing a mountain still. The coroner's jury in this case returned a verdict that the man was shot by Federal officers "in the performance of their duty," but the rancher made a dying statement declaring that he was shot in the back.

ROBERT H. BROOKS

LYONS, N. Y., October 17.—State Trooper Howard Spellacy is a prisoner in the Wayne County jail here charged with murder in the first degree for the shooting of Robert H. Brooks, a Savannah farmer. The shooting is admitted by Spellacy. He refused to explain his act, but it is believed the trooper mistook Brooks for a bootlegger. Coroner George D. Winchell will hold an inquest at Savannah next Thursday morning.

Information from which the warrant was drawn was based on the deposition of Mrs. Charles Rotach, who was riding with Brooks when he was shot. Her story is that Brooks drove his car into the ditch near here somewhere near midnight and that he awakened her to help him get back into the road. Then she went for a ride with him. She says Trooper Spellacy and another trooper followed them.

The bullet passed through the back of the car and entered Brooks's body between the shoulder blades. Brooks fell forward, according to Mrs. Rotach, and his coat sleeve, she thinks, caught the gas throttle, stalling the car.

[From the Associated Press, March 3, 1926]

D. C. SHANNON

In an attempt to establish a principle that violations of the liquor laws "are not capital offenses, punishable by death without trial," a coroner's jury to-day held a Coast Guard ensign and four of his crew for the crime of manslaughter.

The jury returned its verdict after listening to a score of witnesses who testified that D. C. ("Red") Shannon, rum runner, was shot last Wednesday night through the back while his hands were raised above his head, in token of surrender, and after he had shouted, "Don't shoot; I surrender."

Ensign P. E. Shaw, Boatswain P. S. Austin, Seamen B. C. Smith, E. McAuld, and Otis Meeking testified that they did not fire after they saw Shannon and his men hold up their hands. Their testimony, the jury found, was not convincing.

Warrants were issued by H. W. Penny, a justice of the peace. Capt. C. G. Porcher, Coast Guard commander, accepted responsibility for delivering the men. Bonds were fixed by Justice Penny at \$5,000 for the ensign and \$2,500 for the enlisted men.

Nine Federal men engaged in war on liquor traffic are now under State charges of either manslaughter or aggravated assault and robbery in this section of Florida. Four agents who raided suspects at Key West last week are now awaiting trial for assaults and for robbing their victims.

"Florida is interested to know if liquor violations justify summary executions," Attorney Bart A. Riley, who examined witnesses before the coroner's jury, declared. "And we will take this means of finding out."

"There is something wrong when law officers take alive men charged with murder, highway robbery, treason, arson, rape, or counterfeiting, but shoot and kill suspects when the liquor law is involved. The Volstead law does not provide a death penalty—yet. Even if it did, a trial would be more conventional."

[From the Portland (Oreg.) Telegram, November 1, 1927]

W. W. SMITH

Mrs. Helen Smith wants \$7,500 from the prohibition officers who, she says, shot her husband in the back.

William W. Smith, 34, died last June from bullet wounds. The shots are alleged to have been fired by Sheriff John Manning, of Yamhill County, and Ray Amy, State prohibition officer.

Mrs. Smith sues as administratrix of the estate.

The two officers were searching for stills in Yamhill County, the complaint recites, and shot Smith in the back from ambush as he was walking on a public road.

[From the New York Times, July 3, 1925]

GIRARD KADENBACH

Girard Kadenbach, of Atlantic Highlands, was killed in a fight between the Coast Guard and two power boats off Sandy Hook. He was found unconscious in the bottom of his boat when the shooting stopped. There was no liquor on board. The dying man was transferred to Monmouth Memorial Hospital, Long Branch, N. J.

GEORGE HOFFMAN

VALLEY STREAM, L. I., July 21, 1925 (special to the Washington Post).—Frightened to death, according to his family, by two prohibition agents who arrested him, George Hoffman, proprietor of the Hoffman Inn, Valley Stream, was buried to-day.

The agents first went to Hoffman early last week. According to Mrs. Hoffman, they asked her husband where they could get whisky and he referred them to a man from whom they bought two cases. Wednesday they returned to the inn and meeting Hoffman told him he was under arrest. He fainted and did not recover consciousness before his death Saturday. Physicians said the shock brought on apoplexy.

[From the Washington (D. C.) Times, July 29, 1925]

ADAM BALLENGER

SPARTANBURG, S. C., July 29.—V. R. Grant, Federal prohibition officer, is to-day under \$10,000 bond in connection with the death of Adam Ballenger, nephew of E. C. Ballenger and brother of Paul Ballenger, merchants of this city, whose body was found in a decomposed state near Saluda, N. C., late Monday with a bullet wound in the back.

Grant stated at the inquest that he and Federal Prohibition Agent Will Owen were looking for rum runners and when Ballenger was asked to halt, put on more speed, and later fired at him (Grant), and that he returned the fire.

He said that Ballenger ran into the woods and that when they examined the car they found 7 gallons of whisky, but that a search failed to reveal Ballenger. Upon the finding of the body Grant surrendered to Sheriff William Davis, of Henderson County, N. C.

Grant, the killer, claims he found 7 gallons of whisky in Ballenger's car; he didn't produce it as he said he had thrown it away on the spot.

Our readers will notice that in common with other reported prohibition killings the poor victim was shot in the back.

Grant, if tried at all, will be defended in a Federal court by the United States district attorney. He can not be tried by the State of South Carolina.

[From the Jackson (Fla.) Times-Union, March 8, 1927]

LAWTON CARROLL

VALDOSTA, GA., March 7.—Lawton Carroll, a young white man, is at a local hospital seriously wounded, shot in the back, and R. L. Hudson, jr., a young deputy prohibition enforcement officer, is under \$5,000 bond, as a result of efforts made by a group of prohibition officers this morning to stop an alleged whisky automobile. Hudson is a son of R. L. Hudson, sr., enforcement officer working out of Valdosta.

According to information given, a posse of officers about 7 o'clock this morning saw Lawton Carroll coming into the city and attempted to search his car but he refused to stop. Hudson pursued in another car, and fired at the tires.

The first shot evidently missed the car. He claims that as he fired the second shot the car struck a bump and the bullet entered Carroll's left shoulder, just under the shoulder blade and came out in front.

When Carroll's car was stopped it was searched and no whisky was found in it.

[From the Asheville (N. C.) Times, July 26, 1926]

CECIL M'CLURE

"I have been informed that the shooting was almost without provocation," said Solicitor Grover C. Davis with regard to the killing of Cecil McClure, 17-year-old Cherokee County youth, by Prohibition Officer Joshua Crisp.

The facts in the case as reported are as follows:

Crisp and two other Federal agents, armed with legal warrant, went to the McClure home to search for whisky. They found a half gallon, and with it in possession sat down on the front steps of the house.

Young McClure, returning home, came up to the officers, saw the liquor, claimed it as his property and walked away with it without any action on the part of the three officers.

McClure entered the house, secured a shotgun which his mother took away from him. Regaining possession of the weapon, he started for the front door, his mother holding on to him and the gun.

McClure reached the doorway, his mother still struggling with him. Crisp fired a volley from his revolver into the boy, and he fell, mortally wounded, in his mother's arms.

The question whether it was necessary, when McClure appeared in the doorway, for Officer Crisp to shoot in defense of his life should not be answered without the most thorough investigation of all the facts and circumstances. It is for this that jury trials are provided.

But it is immediately apparent that this homicide could have been prevented had the three officers, all armed, placed McClure under arrest when he claimed the whisky. If the liquor was seizable, its owner was liable to arrest and should then and there have been taken into custody and held for trial.

Having made at least a criminally neglected botch of the task of law enforcement at the McClure home, leaving a stripling boy bleeding to death in his mother's arms, Federal Officer Crisp took to his heels, says the narrative, and disappeared around the side of the McClure barn. His brother officers also left the premises.

Feeling runs high in Cherokee County against the slayer of this young man, it is said. And resentment, righteous wrath, should run high, unless a half gallon of blockade liquor is worth more than a human life.

The unlawful liquor should, of course, have been taken; but the life of a boy could have been and should have been saved.

It is a serious undertaking to criticize officers for their efforts to enforce the laws. But it is the duty of citizens not only to stand for law and order but to protest against any enforcement policy, State or Federal, which has as its slogan "Shoot first and investigate afterwards." And that is the practice of Federal prohibition agents on land and sea.

[From the Nashville Tennessean, July 17, 1927]

HENRY A. M'CRACKEN

ATHENS, July 16.—Body of Henry Alec McCracken, 22, who died in a Chattanooga hospital Thursday afternoon from gunshot wounds received from officers in a raid made in the outskirts of this city June 15, was brought to Athens this afternoon on Southern train No. 42, and burial was made in Cedar Grove Cemetery.

Officers making the raid were D. C. Duggan, sheriff of McMinn County; J. S. Payne, deputy sheriff; Will Brown, constable of Etowah; and Cain Burnette, prohibition officer of Chattanooga.

It is alleged that the shot that wounded young McCracken and later caused his death was fired by Burnette. It has been stated that McCracken made a dying statement to that effect.

Deputy D. H. Stephenson, of Athens, who is also jailer of McMinn County, stated that three other boys were in the car with McCracken when apprehended, but all escaped except McCracken. Homer and Roy Swofford, who were later arrested and placed under \$1,000 bond, and Cicero Henry, who is still at large, are alleged to have been the occupants of the machine.

[From the Philadelphia Inquirer, December 30, 1926]

IDA WALDMAN

Frightened at the appearance of four members of unit No. 1, who entered her home shortly after 4 p. m. yesterday and announced they were going to search the house for liquor, Mrs. Ida Waldman, 42 years old, wife of Louis Waldman, wealthy coal dealer, of 304 Carpenter Street, fell unconscious, and died a half hour later in the Mount Sinai Hospital from what physicians said was a dilated heart induced by fright or grief.

Mrs. Waldman was in the kitchen of her home with her two sons, Samuel, 21 years old, and Harry, 18, when the raiders entered and read her a "John Doe" warrant issued by Magistrate Violet E. Fahnestock on complaint of Policeman Mueller.

The woman was rendered speechless, her sons said later, and when both boys escorted the raiders to various parts of the house and cellar she fell unconscious, mumbling words about the disgrace to her family.

Abraham Waldman, a brother-in-law of the dead woman, who entered the house while the unit members were making their search, took her to the hospital in the automobile of a neighbor, while Harry, the younger son, ran for a physician in the vicinity.

The members of the searching party made no effort to interfere, while the frenzied sons rushed around in behalf of their mother.

They completed an exhaustive search of the dwelling and cellar and found no traces of liquor or other violations of the law and left empty handed.

Doctors at the hospital applied stethoscopes to Mrs. Waldman's chest when she was wheeled into the institution, and immediately diagnosed her illness as dilation of the heart, induced by a severe mental strain.

Neighbors of the dead woman said last night the family has lived in the Carpenter Street house for many years, and that Mrs. Waldman and her husband were widely known in the section as old-time residents of unquestioned good character.

PERLE S. THOMAS

Perle S. Thomas, of Fort Pierce, Fla., was a traveling salesman for the Loose-Wiles Biscuit Co. He was a peaceful, inoffensive citizen, living with his wife and children and supporting them out of the wages he received as a traveling salesman. On the night of the 4th of February, 1927, he was driving home in his car to spend the follow-

ing day—Sunday—with his family in Fort Pierce. About 4 miles south of Fort Pierce, in a lonely spot on the road, he was commanded to halt. A short time prior to that, while traveling over this same road and returning to his family at the end of his week's work, he was stopped at about this same point on the road and assaulted by two drunken men. When the order came to him to halt he speeded up his car, thinking that he was again to be assaulted. The men who commanded him to halt were United States immigration officers employed by the Bureau of Immigration at Washington. When he failed to stop the officers got in a high-powered car which they had parked by the roadside and quickly overtook him and passed him. They stopped the car ahead of him, blocking the road, and he was compelled to stop. Without any explanation to him as to the reasons for their attempt to stop him, they fired into his car and killed him. Soon afterwards these officials—six of them in number—were indicted by the grand jury of that county in Florida and were tried. Two of them were convicted of the crime of murder in the second degree and were sentenced to the penitentiary in the State of Florida for life. One of them was found guilty of murder in the first degree and was sentenced to death by electrocution. The case was dismissed as to two of them, and the case against the remaining officer has not yet been finally disposed of. The Department of Justice, under the direction of the Attorney General of the United States, without any examination into the merits of the case, sent an Assistant Attorney General to Florida to defend the murderers. Under the direction of the Attorney General of the United States a local attorney was employed for a very large fee to defend the murderers.

[From the Albuquerque (N. Mex.) Tribune, May 11, 1928]

FRANK AIELLO

Two peace officers, hiding in the dark by a highway near Fresno, Calif., Saturday night, turned their flashlights on the face of Frank Aiello as he sped by. Aiello did what any other person would have done under similar circumstances; he refused to halt. The officers opened fire and killed him.

It makes little difference that contraband liquor was found in Aiello's home or even that he was reputed to be a bootlegger.

Bootlegging is not yet a capital crime in this country. Nor are peace officers empowered to inflict the death penalty without judge or jury. No liquor was found in Aiello's car.

The other instance was in Yazoo County, Miss., Sunday night. A car occupied by a man, two women, and two children was fired upon by two county and two Federal officers when it failed to stop. The car shows bullet marks, and two bullets pierced the metal and entered the cushion of the rear seat, in which one of the women and her two children were riding. The officers are said to have had a tip that a booze car was to travel that way, and the car on which they fired fit the description.

FRED POWELL

JACKSONVILLE, N. C., June 18, 1928.—Charley Buckmaster, Coast Guard man, admitted to a coroner's jury late to-day that he fired the shot that killed Fred Powell, Carteret County young man, Saturday, as a Coast Guard boat, commanded by Capt. W. F. Piner and with Buckmaster and another Coast Guard man aboard, attempted to halt a gasoline launch they believed to be carrying liquor.

Buckmaster was given a preliminary hearing and bound over to the October term of Onslow County Superior Court under bond of \$2,000. Buckmaster said he fired at the water merely as a warning to the occupants of the boat, and that he believed Powell was struck after the ball from his rifle had ricocheted off the water. He absolved Captain Piner of any connection with the killing, saying he fired without orders.

A warrant charging second degree murder was sworn out against Captain Piner yesterday, but had not been served to-day, and Coroner G. W. Jones said he expected it to be withdrawn.

Officers said Buckmaster probably would be tried only on a manslaughter charge.

CAPTAIN OF THE "ELENA" AND A MAN

SAN JUAN, PORTO RICO, July 26, 1927.—The prohibition enforcement unit here reports receiving advices from Curacao, Dutch West Indies, that the captain and one member of the crew of the Dutch schooner *Elena* have died from wounds received last week during a fight between the ship and prohibition officers.

A message states that the *Elena* refused to permit the prohibition officers to board her while she was in Porto Rican waters.

[From the Jacksonville (Fla.) Journal, August 13, 1927]

HARRY BOOTH

MIAMI, FLA., August 13.—Miami Beach police announced to-day that Harry Booth, 32, of Miami, whose body was found floating off Biscayne Point, Normandy Beach, yesterday, was shot and killed Thursday night by customs men who fired upon Booth and James Willis, also of Miami,

when they passed the point in a boat en route to the Bahamas rum row for a cargo of liquor. Willis, who is now in custody, was shot through the cheek.

Customs officials informed Miami Beach police shortly before 11 o'clock this morning that the two officers who participated in the firing on the rum boat would be surrendered to municipal authorities.

Eighteen shots were fired at the rum boat, according to Willis, one of them hitting Booth behind the ear and knocking him overboard. Willis believes his companion died almost instantly.

Police say they corroborated Willis's story by obtaining a signed statement from Harry Smith, a witness to the shooting, who told police customs men threatened him with their guns and drove him from the beach. Smith's statement alleges that the customs men opened fire on the boat as soon as it came into sight without commanding a halt. There was no liquor in the boat.

[From the Nashville Tennessean, July 14, 1927]

MARCUS STONER

(Special to the Tennessean)

TRACY CITY, TENN., July 13.—Deputy Sheriffs Carroll Woodlee and Hugh Griswold are under bond here to answer a charge of murder growing out of the killing of Marcus Stoner, 24, driver of an automobile, who was fatally shot in the main street here in front of Louis Fuels's drug store when he failed to heed the order of officers to halt for a search of his automobile.

A search after the shooting failed to reveal any liquor in the machine. Stoner, his brother, and a companion were in the machine at the time, and said they were returning from a trip to Collins River, where they gathered blackberries.

Woodlee, who is said by Jeff D. Fuels, defense attorney, to have fired the only shots, claims that he sighted the three men in the automobile when they were leaving the Collins River section, that he ordered them to stop there, but that they escaped then, although he shot to puncture the tires of the machine.

When the three in the automobile arrived in Tracy City, they were lost in some back streets and a short while later were seen coming down the main street.

Griswold and Woodlee again ordered them to stop, it is claimed, and again the driver refused to heed their warning. Woodlee reopened fire, but instead of striking the tire at which he aimed one bullet went through Stoner's back. He died Tuesday morning.

Stoner is survived by his widow and three children. Funeral services were conducted to-day at his home.

[From the Charleston (W. Va.) Daily Mail of January 11, 1927]

MRS. A. D. MAY

Mrs. A. D. May, of Nellis, Boone County, died at 11 o'clock this morning in the McMillan Hospital of a bullet wound inflicted Sunday night when officers served a liquor warrant upon Fleming Ramsey, a boarder at the May home.

The officers, Sam Morrow, State prohibition agent, and Constable Clinton Carnes, of Peytona district, were arrested by order of the Boone County sheriff and placed in the county jail at Madison for hearing to-morrow afternoon before Magistrate C. F. Hager, of Scott district.

Last night Mrs. May signed a statement declaring that Sam Morrow fired the shot that hit her. This statement was mailed to the sheriff's office at Madison last night. Dr. W. A. McMillan telephoned there yesterday after Mr. May had told the story and the men were arrested upon that information. The officers were held without bail until the hearing.

Sunday night the officers appeared at the May residence and, producing a warrant, demanded the surrender of Ramsey. The man attempted to run from the house and escape. The officers then, according to Mr. May, fired several times. Ramsey stopped and he was taken at once to a district justice of the peace and arraigned for being drunk. May obtained medical aid for his wife and brought her to Charleston, arriving here early yesterday morning.

When arrested yesterday the officers said they did not know that Mrs. May had been shot during the raid.

Mrs. May was to become a mother soon, it was said at the hospital to-day.

OSCAR BROOKS

BRANTLEY, ALA., January 5, 1927.—Oscar Brooks, 45, farmer, was shot and instantly killed this afternoon when Town Marshal John Lord and a deputy attempted to raid his home in search of liquor and were resisted.

After firing the fatal shot officers proceeded to search the home and found one gallon of whisky. Brooks leaves a wife and four children.

JAMES LEE AND DAUGHTER

DETROIT, MICH., May 13, 1927 (by A. P.).—Taking his motor launch out for a trial trip on the Detroit River early to-night, James Lee and a

6-year-old daughter were killed when an unidentified Federal prohibition patrol boat crashed into it amidships while traveling at a high rate of speed.

Police of the harbor masters' division said the Government boat failed to stop after the accident.

[From the Charleston (W. Va.) Gazette]

FLORENCE DE PRIEST

A subscriber sends us the following from the Hinton Daily News, which quotes it from the West Virginia News:

"Acting on a reckless statement of an irresponsible roustabout we learn from newspaper and other well-supported reports that another outrage was perpetrated in the name of prohibition enforcement near Alderson. On Wednesday before Christmas, 1926, a snooper working under or with Federal Prohibition Agent Boggs, of Hinton, it is said, appeared in Alderson to see what he could find, and using the public's money to bribe youth into crime, a gross immorality recommended or rather dictated by those who govern the alleged great moral forces of the Nation, met one Howard Adkins, a youth, and initiated a deal with him for the sum of \$2.50 whereby Adkins was to secure for this agent of the Government some moonshine liquor. Adkins is reported to have told his seducer that he would get the liquor from Hazel Adkins, who was staying at the home of a poor but respectable family.

"Howard Adkins failed to return with any liquor and the snooper reported to his chief in Hinton the circumstances. Agent Boggs immediately dispatched himself to Alderson and gathering a gang of State police, as is customary, so that the largest possible number of officers may claim their separate fees for making an arrest, and all attacked the house of Alex De Priest, the alleged abode of the man from whom some liquor was to be obtained. A minute search of the De Priest home was instituted in a thoroughly indecent and, it was believed, entirely lawless manner without warrant.

"In this poor home at the time were two critical cases of typhoid fever. Notwithstanding that a daughter of the family, Florence, aged 18 years, was desperately ill at the time, her bed was searched, both pillows and the mattress under her being ransacked over the protest of a public-health nurse who was in charge at the time. The man being hunted was not found in the home. No evidence that the De Priests were criminals was found.

"The youth with whom the immoral deal of the alleged agent of good morals was made was then hunted up. He was found in bed, and when roused admitted he had lied to obtain the money from the agent for Christmas spending.

"The young girl whose bed was violated in this lawless and indecent manner died later.

"These details come to us as facts."

[From the Braxton Chronicle]

CHARLEY SINGLETON

Written by his wife

GEM, W. VA., January 23, 1927.

EDITORS OF THE CHRONICLE: Will you please give me just a little space of your paper so as I can correct the horrible mistakes that are circulated in regards to the cruel and horrible way my husband was shot down and murdered before my eyes, and I was not even able to get up and go to him, for my little baby was only 3 days old. The officers reported they emerged from the woods to the house. They did not do so. They came up the road past my husband's father's that just lives a little distance below my home, and came all the way up the road to my home; and another report that was a mistake—my husband did not come from the barn. He was at his shop shoeing a horse for his uncle. He saw the officers coming and came to the house to inform me of it, so as I would not be frightened. I will tell you just as I saw it with my own eyes. Two officers entered the door by the front way, just facing my bed, and two came in the back way. My husband met the two at the front way and they commanded a search; and he asked them to read him the warrant, and one of them came from the kitchen way and took some papers out of his pocket. Him and my husband were talking. The warrant was not as much as opened until one of the officers that was standing just on the front steps pushed the other officer back a little and drew his gun and fired. I screamed and cried for him not to shoot my husband, and he did, and so that was the first shot; and then there were several shots fired. I did not see my husband as much as draw his gun. They shot him down and my little children all standing around him screaming and crying. When the smoke went out of the house so as I could see, my husband was lying with his head almost in the fire just in facing of my bed. The officer never much as came back to see about me or my little children, to see if we were all right. Oh, if every officer only knew how it hurts me to know that my husband was shot down for an unjust cause, they would not be too hasty and there would not be so much heartache and sorrow. If they had just went ahead and searched, so as they would have been convinced that they took his life for nothing that day, for there was nothing to be found. There were several shots fired right past my face and my bed from the door that opens from the kitchen. The shots all went in his

back, except the one that went in from his left side. Mr. Humphries reported that they could get no immediate assistance in this community in caring for the wounded. That is all false reports, for my husband's own uncle took them into his house and gave them a good cot to lay on and also sent team with them to Burnsville, and that was more than they done for me. I am left with 10 small children, the oldest one a cripple one, to make my way. Mr. Skidmore went as far as to say before my husband's cousin that if the other officers had not been too hasty that would not happened.

[From the Nashville (Tenn.) Evening Tennessean, Jan. 26]

EDDIE SIMMONS

(Special to the Tennessean)

FAYETTEVILLE, TENN., January 26.—Eddie Simmons, 22, of Smithland, died this morning as the result of a gunshot received in the back when he is alleged to have attempted to flee from officers who sought to arrest him near his home yesterday afternoon on charges of operating a still. Simmons's 16-year-old wife and his sister-in-law, Mrs. John Simmons, witnessed the shooting.

Conatser and Ashburn were members of a raiding party which further consisted of Sheriff O'Neal; his son, Robert O'Neal; and Deputy Knox Moore, all of the adjoining county of Franklin. According to reports the Federal man had asked the Franklin County officers to accompany him on the raid in the adjoining county.

A report issued from the office of Sheriff O'Neal this morning declared that Conatser and Ashburn, having discovered a still on Simmons's place, had separated themselves from the rest of the party to apprehend Simmons, whom they saw approaching his house at some distance. Twice they called to him to halt, and on the second order he paused. Then, the report goes, he ran, putting his house between himself and the officers.

A bullet was fired and the report from Sheriff O'Neal's office said it accidentally found its way into Simmons's back. He was brought to Lincoln County Hospital, and died this morning.

Later the raiding party declared two of the largest still worms that had come to their notice were found in the Simmons's home.

Simmons's 16-year-old wife and his sister-in-law, Mrs. John Simmons, declared, in a brief report, they had witnessed the shooting from the Simmons's home, and were pronounced in their statements that Ashburn fired the fatal bullet.

FAYETTEVILLE, TENN., January 31.—Brutus Ashburn, deputy sheriff of Franklin County, accused of murdering Ed. Simmons last Wednesday when he and a Federal officer rushed to the Simmons's home in Lincoln County in search of fugitives from a near-by still raid, was denied bail and bound over to circuit court by Magistrate J. R. Hancock, after preliminary hearing to-day.

Dr. R. E. McCown, physician, testified that the Springfield rifle bullet that killed Simmons entered the middle of his back and came out the breast, piercing the liver. Mrs. Ed. Simmons, 16, widow, and Mrs. Jim Simmons, sister-in-law of the victim, described the shooting.

The defense offered no evidence whatever.

United States District Attorney A. V. McLane, Assistant District Attorney Milton Davenport, and Prohibition Administrator W. B. Shofner were present, but took no part in the trial. Clay Conatser, Federal prohibition agent, was with Ashburn at the time of the shooting.

They said the officers made no statement of their business and did not show badges. Instead, they said, Ashburn, when he saw Simmons leaving the house, threw his gun to his shoulder and loaded it. Simmons saw the movement and started to run, according to the women, and was downed by a bullet in the back, fired by Ashburn, who was standing 150 yards away.

The two Mrs. Simmons denied Ed. Simmons had ever been engaged in making liquor, and said that he had been at the home a long time prior to the arrival of the two officers. He left his own house to go to the home of his brother, 300 yards away, they testified, to see a sick child, and then encountered the officers.

[From the Chicago Tribune Press Service, 1927]

E. P. W. INGMIRE

WASHINGTON, D. C., April 30.—(Special).—Fifteen citizens slain by dry agents, and not one of the killers punished, thus far, is the record of the last 10 months under a prohibition-enforcement policy which invokes Federal court protection to balk State court prosecutions.

During the approximately eight years of prohibition the civilian death list chargeable to "hair trigger" liquor sleuths, has mounted to nearly 200. No estimate can be made, it is admitted by the Treasury Department, of the hundreds wounded or permanently disabled.

Although State courts have indicted dry agents for murder or manslaughter in many cases, the slayers, without exception, have found refuge in the Federal courts, where Federal district attorneys have acted under the revenue law, which gives the Federal courts sole jurisdiction in cases where revenue agents kill in line of duty.

Within the last week a Los Angeles (Calif.) Federal district judge, on the petition of the Government attorney, intervened to halt the State

court trial of Frank Farley and George Hudson, Federal dry agents, charged with the murder of E. P. W. Ingmire, an oil company official.

Farley and Hudson, drunk and driving recklessly through the city streets, it is charged, collided with a car in which Ingmire was riding and the latter was killed. Although supposedly on the lookout for liquor violators, the dry agents were not actually pursuing a bootlegger when the fatal collision occurred.

F. M. FERGUSON

Another similar instance is disclosed in the 10 months' report, made public to-day. On October 25, 1926, Mack B. Lilly, a prohibition agent, assigned to the Huntington (W. Va.) district, was driving at high speed in pursuit of a suspected bootlegger, when he ran down and killed F. M. Ferguson, of Huntington. Lilly was arrested and charged with manslaughter. The district attorney is prepared to ask for a writ of habeas corpus transferring the case to the Federal court, according to the report.

THREE AT A TIME

On August 5, 1926, Agents W. M. Simmons, C. F. Standau, A. C. Givhan, and J. H. Shirley, returning to Miami, Fla., after a series of raids, engaged in a gun battle with several men and three of the latter were killed. A coroner's jury exonerated the agents, who declared they were attacked and opened fire in self-defense.

WILLIAM NIEDERMEIER

On December 3, 1926, Agents E. L. Benway and G. B. Pratt, assigned to patrol work near Huron River, Mich., observed what appeared to be a liquor smuggler's boat approaching the shore. No attention was paid to their hails and the agents fired three shots at the boat and the two men operating it declared they would surrender. One of the men, William Niedermeier, was ordered to hand their guns, and when he hesitated the dry agents opened fire simultaneously, killing Niedermeier.

Benway and Pratt were arrested, charged with manslaughter in the case of Niedermeier and assault in the case of his companion. Both were found not guilty on the manslaughter charge, but Benway was convicted on the assault charge and the district attorney, who appeared to defend the two agents, is now preparing to appeal from the verdict.

WADE HAMPTON

Agents A. G. Sutterfield and P. T. Graves on September 25, 1926, entered a negro dance hall at Chestang, Ala., to search for liquor. One of the negroes, Wade Hampton, refused to be searched, drew a revolver, and fired at Sutterfield, who returned the fire, killing the negro instantly. A grand jury exonerated Sutterfield.

JEFF PITTS

On September 23, 1926, Jeff Pitts, of Wesson, Miss., was surprised by Agent W. S. Newman near a still and fled at the command to surrender. Newman fired once, killing Pitts, and thus far no prosecution has been instituted.

LEWIS GREGORY

In another case Agent W. B. Stone, operating near Graveltown, Ky., raided the home of Lewis Gregory, and finding a small quantity of liquor sought to arrest the latter. Gregory, unarmed, threw stones at the agent, who drew a revolver and fired once. Gregory died from loss of blood a few hours later, and Stone was released from custody on his assertion that he was forced to kill in self-defense.

THOMAS A. JOHNSON

On March 4, 1927, Agent E. S. Forsythe raided a still near Eleven-Mile Creek, Fla., Thomas A. Johnson fled as Forsythe approached and plunged into a creek. Forsythe called for Johnson to return, and fired several shots into the air, he declared. Johnson was apparently overcome by the cold water and drowned. Forsythe was charged with manslaughter on complaint of Johnson's father and released on bond pending a preliminary hearing, which has not yet been had.

In three other cases prohibition agents who pleaded self-defense were exonerated by coroners' juries or grand juries which investigated the killings.

JOHN H. ZOLLERS

On May 14, 1926, John H. Zollers was out riding with a school-teacher, Miss Goldie Robb, and was automobiling in the country near North Platte in the evening. Two prohibition men, G. H. Runyon and Harry Johnson, of Omaha and North Platte, respectively, called on Zollers to halt. He didn't, and Johnson fired a shot which passed through Zollers' neck. Zollers continued driving, thinking the men were bandits; took Miss Robb home; drove to a hospital and died within an hour.

ANDERSON GREEN

Rev. G. W. Gant, of Knoxville, was, in 1921, superintendent of the Anti-Saloon League for east Tennessee and the executive secretaryship of the Knox County Enforcement League. On September 5, 1923, he was notified by Mayor Ellis, of Jefferson City, to rid the place of illicit liquor. He assumed the name of Mr. Shoot.

On September 28 of the same year he arranged to purchase some liquor from Sam Bailey, Anderson Green, and the latter's son, Claude Green. An argument arose. Green, the father, becoming finally exasperated, started to leave with the liquor on his shoulder when Reverend Gant drew a pistol and shouted to the three men to hold up their hands, at the same time firing a shot toward Green's feet. Green dropped the liquor and started to run, Gant running after him and firing several shots. A prohibition agent who had been hiding near by joined the chase and began firing as the other two men started to run. Green was shot in the back and died several days later. He made a deathbed statement saying that Gant was the man who killed him.

CHALMERS M'ALPINE

Sheriff Benton Adams and Federal Officers Hiram Allen, John Draper, Joe Stanford, and Robert P. Ferguson visited the township of Muscadine, Cleburne County, Ala., October 31, 1921, in search of a still. The officers said they found a still and were informed that Chalmers McAlpine, aged 20, had a partnership in it. They proceeded to McAlpine's place of employment and found the youth fixing an automobile. McAlpine started to run. Ferguson, using his left arm for a rest, fired three times, a bullet entering McAlpine's back and killing him instantly.

The Treasury report of this case states that McAlpine turned upon the officers with a pistol in his hand, but the facts remain that no pistol was found and that McAlpine was shot in the back.

FROM SHOT IN THE BACK—PLAIN TALK, DECEMBER, 1927, BY SENATOR EDWARD I. EDWARDS

We print an additional list of 13 killings taken from the Senator's article. Comments therein are those of Senator EDWARDS.

Turn to a very few of the camouflaging reports from the United States Treasury Department. Please note the phrases quoted:

JESS COFFEY—FACTS OF THE CASE

On March 28, 1923, Prohibition Agent Benjamin H. Crumpton, accompanied by some sheriffs, raided an illicit distillery near Muscadine, Ala., operated by Jess Coffey. Coffey attempted to escape and Crumpton "fired to his right trying to stop him. His foot slipped, causing the gun to swerve to the left, and as a result Coffey was shot and later died."

CARL THERNES—FACTS OF THE CASE

On March 26, 1925, Prohibition Agent Tucker, accompanied by two local officers, went to a farm where it was believed a still was being operated 6 miles from Britton, Okla. Upon arrival at the place the officers found one Albert Berry and one Carl Thernes operating two stills. After the moonshiners were placed under arrest Thernes started "to run away, at the same time, stooping over to pick up what was believed to be a weapon. Agent Tucker, believing that Thernes intended to fire at him from near-by bushes, shot and killed him."

MARCUS FARRELL—FACTS OF THE CASE

On the night of May 10, 1925, Prohibition Agents Mathew and Raney, accompanied by a citizen, went to a point 2½ miles from Raywick, Ky., where four men were found operating a still. The agents and man accompanying them surrounded the still. While Agent Mathew was attempting to take into custody one Elvard Mattingley and one Marcus Farrell "his revolver was accidentally discharged," killing Farrell instantly.

There are a number of cases in prohibition killings in which the victim met his death by "accidental discharge" of weapons.

LESLIE BRITT—FACTS OF THE CASE

Agent J. G. Griffin while on a raid in Southampton County, Va., came upon a man by the name of Leslie Britt, "whom [sic] the agent believed was about to wound him." In self-defense Agent Griffin shot him and he died later in the hospital.

BEE LILLY—FACTS OF THE CASE

On April 1, 1925, Prohibition Agent Simmons, accompanied by three State officers surrounded a still on the headwaters of Beaver Creek, near Beckley, W. Va. Two men were seen operating the still. Upon these men ascertaining the persons of the officers they started to run. One of them carried in his hand "what appeared to be a rifle" and it was apparent he was seeking the shelter of a tree. The officers "believed he was about to fire upon them" from ambush and shot at him. He was instantly killed.

HARRY CARLTON

On March 11, 1920, Stewart McMullin, deputy revenue collector, accompanied by two other agents, shot and killed Harry Carlton in an East Side New York flat. In court McMullin testified that Carlton

attacked him and his two companions with a knife. That a man armed with a knife should attack three burly agents all armed with guns seems most improbable, and, of course, no knife was ever produced as evidence, and witnesses said that Carlton was shot while his hands were above his head. But this is not the half of it. McMullin, who did the shooting, had served four years in prison for passing bad checks in Fort Worth, Tex.; was sentenced to eight years for doing the same thing in Indianapolis, and was sentenced from five to nine years in New York for highway robbery.

Do you know how and when he got this job? He actually landed himself in the United States Department of Justice by "squealing" while he was incarcerated in Dannemora. His next step was to get himself into the narcotic squad and then into the Prohibition Unit. At this last work he received a salary of \$125 a month and lived at the Hotel Claridge in New York City!

When he was 14 years old he killed a man by hitting him with a rock and was fined \$50 and costs for involuntary manslaughter. McMullin had lived under various names: Stuart Nelson, John H. Ramsey, John Conway, and John Murphy.

A few days preceding the murder McMullin had arrested a man for taking \$2,500 "protection" money from a bootlegger.

WILLIAM TILGHMAN

Over the main street of Cromwell, Okla., on the night of November 2, 1924, rattled a Ford touring car, carrying two men and two women. The driver of the machine parked in front of the Marie Murphy dance hall, got out, and, feeling gay and kittenish, fired a shot from his revolver. William Tilghman, peace officer, hastened out, and rushing over to the gun artist, grappled with him. A bystander came to the assistance of Tilghman and snatched the gun away from the owner of the Ford. Tilghman, thinking the man was now unarmed, was about to leave, when the gunman drew a second revolver and fired three shots into the body of Tilghman, who sank to the street as his assailant leaped into the car and sped away. The fallen officer died 15 minutes later.

Tilghman came to Cromwell in September, 1924, to act as city marshal. He also bore a commission from the governor. He was a prime mover in the breaking up of the Dalton gang, the Doolin gang, and the Al Jennings gang. The most daring act credited to Tilghman was the capture alive of Bill Doolin at Eureka Springs, after the outlaw had said he would never be taken while he breathed. It is said of Tilghman that he never in his life shot a man unless it was absolutely necessary. He was chief of police of Oklahoma City, and as late of 1915 he gave up his private affairs to the planning and capture of the notorious Henry Starr bank-robber gang.

Who was this skilled desperado who had slain him? None other than Wyley Lynn, member of the Federal prohibition forces.

W. F. DEMENT

In Washington, D. C., William Frank Dement, driver of an alleged rum-running Cadillac automobile, was shot down by Washington's flying police squadron on April 13, 1927, Policeman G. C. Deyoe, Motor Cycle Policeman William A. Schotter, and Sergeant Little participating. There was no gun in Dement's car. Sergeant Little's excuse was that the car threw up a smoke screen, but the car failed to reveal a device so costly that only navies and military airplanes can afford them.

Fifteen shots were fired by the police. The companion of Dement, Austin F. Jarboe, was not struck by bullets, but the police hauled him out of the car, then smashing him in the face, and knocking him unconscious to the ground. The police, when they turned in their report, failed to mention any shooting whatever.

LAWRENCE WENGER

On November 19, 1925, Federal Prohibition Agents John M. Barton, Robert D. Ford, Wilton L. Stevens, and E. Franklin Ely, accompanied by William Trabing, who acted as chauffeur, proceeded from Baltimore to Madonna in Upper Harford County, Md. They discovered what appeared to be, in the words of the Treasury Department, "a still in the process of construction," and secreted themselves to await the supposed owner. In a short time three men approached—Abraham Woods, James Patterson, and Lawrence Weger—all farmers. The prohibition agents jumped from their hiding place, and shots were fired. Patterson narrowly escaped death with a bullet through his coat. The agents decided to leave, apparently being satisfied with their day's labor. On their way to their machine they "discovered" Lawrence Wenger mortally wounded—shot in the back—under some bushes. He died within a few hours.

CHARLES B. GUNDLACH

Charles B. Gundlach, 67-year-old St. Marys County, Md., farmer, was shot and killed, 1927, by prohibition agents who raided his farm without a warrant and found no still. Prohibition Agents Randolph Brewer, Robert F. Cornet, Dano Jackley, and John T. Fisher say that the farmer fired on them as they came on his property. A man whose property is being invaded without a warrant is permitted under the law to use as much force as may be reasonably necessary to repel the invaders. "Reasonably necessary" may be interpreted in various ways. Actually, it

means enough force under the circumstances of each case to evict the invader.

Gundlach warned the officers off the place before the shooting began and the officers did not heed the warning. Gundlach did not leave his porch, but stood on the threshold of his house, which, under the circumstances, he had a right to protect. After the shooting began Gundlach fell down wounded. His wife rushed out and took away his weapons, a shotgun and a pistol, and tried to drag him back into the house, but the rain of bullets was so sustained that she was forced to retreat. After this, while her husband lay prostrate, Brewer came up to the house, put his pistol to the head of the man and put a bullet through his brain, she said. Brewer entered the house. Facing only a woman, he apparently no longer needed a warrant. A physician testified that the bullet through the brain of Gundlach was the only one of four wounds which would have caused instant death. This from Dr. F. F. Greenwell, of Leonardtown, Md.

MURDEROUS ASSAULTS AND OUTRAGES BY OFFICERS

An enforcement agent, a married man, courted a 19-year-old girl and proposed marriage to her, with the object of entrapping her in a violation of the prohibition laws.

There is no question of the facts in the case, for they were brought out at a hearing before United States Commissioner Supplee in Baltimore on August 24, 1925. The agent in question was John T. Williams, working directly under Harry M. Luckett, chief of Washington dry agents, and almost directly under Gen. Lincoln C. Andrews, head of the dry enforcement department. Williams stated that Luckett ordered him to "go the limit" to secure the arrest and conviction of Miss Sallie Canada, daughter of Mrs. Sadie Canada, storekeeper and postmistress at Glen Echo, Md. Williams obeyed. He spent a month courting the girl, who had no idea of his identity as a "dry" sleuth. "I told her I loved her and asked her to marry me," he testified before the commissioner. Prior to that, according to the girl, he called her up four or five times a day, took her to hotels for dinner, brought her many boxes of candy, and told her he was a single man. Later on he "admitted" he was a widower with two children, but at length she discovered that he was married and told him "it was all off between them."

The evidence on which Williams had the girl arrested, after having wooed her up to the point of a marriage proposal, is given by the Washington News of August 28, as follows:

"One evening the couple were out driving in the agent's car. He said he wanted a drink and knew where to get it. Stopping the car at a certain point, he said he was afraid to leave it, and asked the girl to 'run down to the river' and get him a pint of whisky. She consented, and he gave her \$4 for the purchase price. She came back with the liquor; he offered her some, which she refused, and then he drank most of it on the spot. A week or so later, on the pretext that he wanted half a gallon of gin 'for a party,' he asked her to get it at the same source of supply and to keep it for him until he called. The girl got the liquor and concealed it in the yard back of her mother's store."

"When Williams called he had a woman with him who, the girl learned afterwards, was his wife. He had brought his wife for a witness, although the trustful and, no doubt, somewhat enamored youngster, knew nothing about that and had no suspicion of her impending betrayal. She delivered the gin to Williams, who thereupon placed her under arrest and then proceeded to raid her mother's store. Not a drop of liquor was found on the premises."

To the credit of Commissioner Supplee, when the facts were presented to him, he threw the case out of court. He dismissed charges against Miss Canada of "possession and sale of liquor." "If all liquor cases were as hard as this to make," he observed, "there would be no need for employment of Federal agents to enforce the law."

The case created such a scandal in Washington and Baltimore that the Prohibition Department had to do something to clean its skirts. What did it do? Only a few days ago it dismissed Agent Williams from the service. Agent Williams, who was carrying out the order of his superior, Luckett, who is one of the chief of staff of Gen. Lincoln C. Andrews.

HARRY BROWN

CHARLESTON, April 20, 1925.—Harry Brown, 20 a school-teacher in the Flat Mountain School, a few miles from here, lies in a local hospital at the point of death as a result of being fired upon by prohibition agents as a result of his failure to heed their command to stop while driving an automobile from Pence Springs to Alderson about 10 o'clock last night. According to information obtained to-day by local authorities, six bullets were fired at Brown after he declined to stop, one hitting him, and became lodged in the base of his spine. Officials were told that he continued to drive his car for 3 miles after having been shot, when his injury rendered him unconscious. He has not since regained consciousness, and hospital authorities to-night held little hope for his recovery.

Brown is believed by officials to have taken the prohibition officers for hold-up men. His father is a prominent farmer at Dropping Lick, near Union, and is one of the best-known families in Greenbrier Valley. (Editorial from Wheeling Register, Wheeling, W. Va., April 21, 1925.)

The Charleston (W. Va.) Daily Mail of April 30 states that physicians have little hope for his recovery. He lies paralyzed in a hospital at Alderson.

[From the Louisville (Ky.) Post, June 20, 1927]

The shooting of three children near Olive Hill, Ky., by a constable and three deputies looking for bootleggers should again remind us that there are other laws than the Volstead Act, other rights than those of constables, and other dangers than those of moonshine. The Volstead law is the law and should be enforced. But, like every other law, it must be enforced lawfully.

The officers were looking for a bootlegger in a Ford. Imagine it, looking for a Ford. The children, 12 and 13 years of age, had been swimming. Driving home singing, they were told to halt, were fired upon, and all of whom were wounded.

The children were singing and could not hear the command to halt. The fact is that the coming of the automobile and the bandit have altered the whole situation in which the law of warrant and search operates. Formerly persons were seldom stopped by officers at night, and when they were, when walking or driving a buggy, they could see that those who accosted them were officers of the law.

Now, it is impossible to distinguish a badge from a car at night, and the man who stops because some unknown orders him, is taking big chances. The Volstead law should be enforced, but not at all costs. If the Volstead law were the only law; if the right not to have liquor sold were the only right; if being shot were not quite as unpleasant as being half shot, we could put up with these fanatics with guns. It is bad enough when enforcement officers deliberately throw flashlights into the eyes of passing motorists, as was done one night this week on the Preston Street Road, with the result that a serious accident was narrowly avoided. But when enforcement of one law requires the shooting of singing children returning from the swimming hole it is time to call a halt.

Senator James W. Wadsworth, jr., on November 18, 1921, in a speech in the Senate told how a farmer, William E. Weisheit, and his son, of Glenmont, were held up by three ununiformed armed men at night, and because they did not halt when ordered, were fired at and the father was shot in the leg. They were returning from market, having disposed of their produce and having no liquor on their motor truck.

They believed they were held up by highwaymen. (See CONGRESSIONAL RECORD, vol. 61, 67th Cong., pp. 7886 and 7887.)

R. E. Ganter, chief Federal agent, is reported by the Albany Evening Journal to have said:

"That while the 'accident' was unfortunate, his men were justified in what they did, and he saw no way to avoid similar 'accidents' in the future unless every citizen ordered to halt by a prohibition enforcement agent obeyed promptly."

In December, 1921, Green Miller, a Federal agent, while conducting a raid on the premises of S. L. Dowd, 281 Watchung Avenue, West Orange, shot two young men, by name William Stanton, of West Orange, and James McFarland, of East Orange. Gustave G. Wolber, of G. Wolber & Co., Newark, N. J., states that he saw two young men running away when the shots were fired and he saw one fall.

Other witnesses state that the second man was hit in the back when fully 50 feet away. Both men were taken to the hospital, and for a while their lives were despaired of.

Miller was indicted by the Essex County grand jury, but was never tried, as the United States authorities took the case from the hands of the State of New Jersey, and there to this day the matter rests.

Was Green Miller prosecuted by the Federal authorities? He was not, but instead he was promoted to the office of chief prohibition officer of Kentucky, his native State. The Couzens committee can obtain complete data in this case from the prosecutor of the pleas, Newark, N. J.

The Newport News (Va.) Press, of September 18, 1923, in an editorial comments as follows upon an outrage committed by Federal agents in Warwick County, Va., shortly before that date:

Recently in Warwick County Federal prohibition officers shot up a law-abiding citizen while on his way to Newport News with a load of innocent farm products, and it was only by good luck that he was not killed by the bullets of his assailants. These officers were indicted by a Warwick County grand jury, but the case was arbitrarily taken out of the circuit court by a peremptory order of the judge of the United States District Court in Norfolk. This infamous assault was made upon a citizen of Warwick while traveling along the road in his own county. But the trial of his assailants is to be held in a Federal court beyond the confines of Warwick.

The other night two young women who are connected with the Y. W. C. A. of Asheville, N. C., were driving along the Greenville-Henderson pike. Suddenly two men sprang from the roadside and com-

manded them to halt. The young women, thinking they were about to be held up by robbers, put on speed in an attempt to escape, whereupon one or both of the men fired several shots at the rapidly moving car. One bullet punctured a tire, and the car came to a standstill. The men came forward and revealed their identity as prohibition agents. They thought the car containing the young women was being driven by them and that it contained whisky. With profuse apologies, the ladies were allowed to proceed. It is not stated whether the prohibition officers helped them repair their punctured tire. (Petersburg (Va.) Index, April 13, 1923.)

MRS. PETER SANDERS

GLENS FALLS, N. Y., January 7 (A. P.).—State Troopers W. G. Dashley and J. R. Cannon, of Troop B, Malone Barracks, were arrested to-day charged with first-degree assault for the shooting of Mrs. Peter Sanders, of Chestertown, on the highway near Loon Lake on the night of December 29. Dashley and Cannon waived examination and were held for the grand jury. They furnished bail of \$5,000 each.

A warrant has been issued for the arrest of Hubert Holliwell, a deputy sheriff of Essex County, on the same charge. Holliwell was with the troopers when Mrs. Sanders was shot.

The woman, with her husband and two children, was driving their automobile when she was accosted by the troopers, who said they thought the car was transporting liquor. Mrs. Sanders, thinking the men were bandits, sped away. A shot was fired, and Mrs. Sanders suffered buckshot wounds in the head and neck. It is believed that she will recover.

[Authority: The Newark Evening News, June 7, 1923]

On the Whippany Road, near Columbia Road, a funeral party, returning from New Haven, Conn., was stopped and the vehicles (the hearse and an automobile) and the passengers were searched by State Trooper Smith for liquor—none was found. There were two women and two men in the automobile—they were searched.

MILFORD, CONN., October 17, 1923.—The local police, directed by Chief of Police Maher, held up the funeral cortege of James Fuller, a garage proprietor, of 526 Park Avenue, Weehawken, N. J., as it was passing through their town on its way to a cemetery in Litchfield to-day and hunted through the hearse and cars for liquor. None was found, but Mrs. May Fuller, the widow, fainted as the flowers and wreaths were taken from the coffin. The procession was delayed more than an hour by the searchers.

Chief Maher told members of the funeral party that a resident of Devon, through which the cortege had passed, had informed him that the casket and carriages contained thousands of dollars' worth of liquor being smuggled into the State. After the coffin had been rearranged and the flowers replaced Chief Maher apologized and the carriages were permitted to continue toward Litchfield. (New York Herald, October 17, 1923.)

[From the Norfolk (Nebr.) Daily News, July 8, 1925]

JAMES JONES

NELIGH, NEBR., July 8 (special to the News).—Under charges of shooting with intent to kill, Ernest Gallaway, special officer at Oakdale, who Monday night at Oakdale shot and severely wounded James Jones, a young Tilden man, was taken by Sheriff J. A. Sutton and Deputy Sheriff W. C. Finicle to the Dodge County jail for safe-keeping.

Gallaway fired several shots at the automobile which Jones was driving after ordering the car to stop. One bullet took effect, striking Jones in the breast, glancing upward, and passed through the upper portion of the lung and came out after passing through the arm. The bullet was found in the car.

The young man is in the employ of Will Harris, of Tilden, in the clothing store, is about 22 years of age, and an orphan. It is said that since his residence in Tilden he has gained an excellent reputation and is admired by many people of that place.

For the past two months or more Mr. Gallaway has been a special officer of Oakdale. He has gained quite a reputation during this time in causing the arrest of many liquor violators and making life a burden for alleged bootleggers, who in the past have caused endless grief at the community dances.

According to Mr. Gallaway, he surmised that liquor was in hiding in the vicinity of the Oakdale mill, where the officer was at the time the automobile drove along. In consequence, he ordered it stopped.

In case Jones dies, the charge against Gallaway will be changed to murder, it is said.

Jones, who was driving the car which was fired upon by Gallaway, said he stopped the car as soon as he could after hearing the officer's command.

The two boys, both of whom are highly respected in Tilden, were driving down a side street in Oakdale when Gallaway jumped out from a clump of bushes and ordered them to stop. Jones, he said, reached down to pull up the emergency brake in an effort to stop the car, but Gallaway fired two shots, which went wild. Then, according

to the story, Gallaway leaped upon the running board of the car and fired directly at Jones, the bullet entering his breast between the second and third shirt button and passed out in the armpit. Alva Saxton, the other boy in the car, was not struck by the bullets.

[From the Columbus (Ga.) Enquirer-Sun, June 16, 1926]

Harrison B. Collins, a Delaware farmer with his wife and children, was riding in his automobile along a highway on the night of May 25. He had no liquor in his car and he was violating no traffic law. Men on the side of the highway called to him to halt. Frightened by the unexpected demand, instead of obeying and risking a hold-up, he drove more rapidly. The men who had tried to halt him opened fire upon the car and its occupants, one of the bullets striking the shoe of Collins's young daughter. The men pursued the fleeing car and eventually overtook it, and, being prohibition enforcement officers, they searched it. There was no liquor in it.

[From the Akron (Ohio) Journal, 1926]

Such a tragedy as has come to Steubenville was certain sooner or later to occur under the present haphazard and varying method of enforcing the prohibition laws. Frank Risler, foreman in one of the large tin-plate mills of that section of the Ohio Valley, returned to his home to find his family in alarm over the invasion of the house by three enforcement agents, had a gun in his hand while he was chief of the party what he was doing there, the answer was returned: "None of your damned business." A bullet through the heart killed the officer, and his assistants fled before the invitation of Mr. Risler to "come out of the cellar and get their medicine."

After surrendering to the police, Mr. Risler said that the enforcement agent had a gun in his hand while he was in the house, and that no warrant was read nor information given as to who he was. "I am not going to lie about it," he continued. "I shot him, and I suppose I would have done the same thing to the others had they not hidden in the cellar. I didn't know who they were and they wouldn't tell me."

[From the Meadville (Pa.) Tribune Republican, September 9, 1926]

Four county and city police, laying in wait for a rum-running car, have been revealed as the supposed "bandits" who fired upon Lloyd Kastor, driver of a Chevrolet sedan, and his party of two women and one man Tuesday evening.

Kastor had turned his machine from the improved road on to the old Franklin Pike and had progressed only a few hundred feet before he drew up alongside the road and extinguished the lights on his machine. A hundred feet farther along the road the four officers—County Detective John L. Laley, Sheriff Charles H. Jones, Chief of Police L. M. Hays, and Patrolman Edward C. Gibson—were hiding in the bushes at the edge of the road, waiting for the appearance of a liquor-transporting automobile regarding which they had been "tipped" was to arrive at about 9 o'clock.

The officers' conclusion was that Kastor's machine was the rum runner, while Kastor, when he was approached by one of the four men, was just as thoroughly convinced that it was an attempted holdup. None of the officers wore uniforms, it was said, and the driver of the machine started up and raced down the road, unknowing that three other men were hiding in the bushes 100 feet from the spot where he had parked. As he went past the officers opened fire, puncturing the tires and then firing at the machine when it failed to halt.

All four tires of the machine were sniped by the gunmen, who were evidently experienced marksmen, while other shots took effect about the rear of the sedan. Holes, apparently caused by a revolver of .38 caliber, were shot through the body of the machine, while there was also evidence that a shotgun had been employed by the bandits.

That none of the four persons in the machine were killed, or at least seriously wounded, is marveled at by the many people who have inspected the sedan, as the machine was literally peppered with bullet holes.

[Special to the Herald-Tribune]

DOROTHY CARRINGTON

NORFOLK, VA., December 16, 1926.—The State is aroused over the use of bullets by O. A. Hanby, State prohibition agent, which resulted in the wounding of Miss Dorothy Carrington, daughter of the Rev. J. W. Carrington, of Cape Charles. The shooting occurred in Northampton County, on the eastern shore of Virginia. The officer opened fire, it is charged, because the car was not stopped at his order to halt.

Owners of at least 10 other cars have complained that their automobiles were peppered by the dry agent because they refused to stop on dark roads at the command to halt.

Virginia newspapers are demanding the prosecution of the officer. Miss Carrington is in a hospital at Cape Charles suffering from two bullet wounds. The officer has been suspended from duty, and legal authorities are considering presenting his case to the grand jury.

Miss Carrington was in the automobile with a friend and when some person, whom they did not see, sprang out in the darkness and com-

manded that the car be stopped, her companion refused to obey. Then the officer fired four shots at the car, two bullets striking the young woman.

[Special dispatch to the World]

ATLANTIC CITY, July 18, 1927.—Starting for a fishing trip off this resort in a 26-foot motor boat at dawn Friday, Alfred C. Reed, board-walk rolling chair concessionaire and banker, and John Ordille, secretary and treasurer of the Renault Wine Co., Egg Harbor, N. J., were fired upon nine times by three Coast Guard men, one bullet striking their boat, they charged to-day.

They were taken into custody and were handcuffed and shackled for two hours, they said, but were released, with apologies, after being taken to Coast Guard Base No. 1, here. They lodged formal protests to-day with Commander John Boedecker, in charge of the base, and with United States Senator EDGE and Representative ALBERT BACHARACH.

"The shooting and arrest," Mr. Reed said to-day, "occurred at 4.45 o'clock Friday morning, when we were leaving on a fishing trip. It was dawn. We heard no command to halt, but when the first shot crossed our bow we stopped the engine immediately. Eight other shots—one of them striking our vessel—were fired before the cutter came alongside."

"We were handcuffed and our feet tied for two hours while being taken to base headquarters. Lieut. Commander Henry G. Hemmingway, in charge at the time, ordered our release and expressed his regrets."

"The occurrence was an outrage. The Coast Guard men said we were running without lights, although it was daylight, and that we failed to answer commands to halt. No such commands were heard, possibly because of the strong wind. In any event, our boat could make only 12 miles an hour, while the cutter could do 22. They could easily have caught up to us without firing. We revealed our identities and made no remonstrance. There was absolutely no need for the humiliation of handcuffs and shackles."

In Washington, D. C., on July 4, 1927, the police arrested a man whose auto had accidentally collided with one driven by a local detective. The citizen, whose injuries were such that he could not walk or even stand, was examined by an Emergency Hospital doctor, who reported his condition due to intoxication. He was locked up, charged with that offense and with reckless driving. After he had laid four hours on the floor of a cell in the police station unable to move, the doctor was again summoned and again could find nothing wrong except to allege intoxication. In order "to play safe," as the report goes, the victim was removed to another hospital, where he died. An autopsy revealed that death had resulted from "twisted vertebrae of the neck." The report of the case also stated: "There was no evidence of alcoholism." Further information is contained in press headlines, which state: "Coroner's Jury Exonerates Hospital Doctor and Police."

WOMAN FACES LIFE SENTENCE

CHICAGO, May 18. (A. P.).—Home-brew found in the house of Mrs. Mary Tokarz, Muskegon, Mich., may, like Fred Palm's pint of whisky, write prohibition history in Michigan.

Mrs. Tokarz, 40 years old and a mother, was arrested here last night for Muskegon authorities. The brew had been found in her home following her daughter's wedding. At liberty under bond, she came to Chicago, where she has been working in a laundry.

The still from which the officers had come was a mile away in Warren's Hollow, which is about 6 miles from the Franklin County line.

Michigan's habitual criminal law provides that three previous felony convictions make a life sentence mandatory.

Mrs. Tokarz, Chicago police were told, was found guilty on three former occasions, each case involving a liquor-law violation, a felony in Michigan. It was fear of the life penalty, she said, that prompted her to flee her bond and come here.

Telephone calls from her husband in Muskegon were traced, resulting in Mrs. Tokarz's arrest. She sobbed her story to detectives and pleaded for mercy.

Fred Palm, of Lansing, Mich., is now serving a life sentence under similar circumstances. When arrested for possession of a pint of whisky, Palm was found to have had previous convictions on felony charges, leaving the court no alternative but to impose a life sentence. Palm has appealed to the State supreme court, attacking the constitutionality of the law.

NEW ALBANY, IND., August 10, 1928 (A. P.).—Claude Smith, 16 years old, was shot in the left arm early to-day when prohibition agents, under W. O. Holman, of Indianapolis, raided the home of James Smith, 53, 3 miles north of Hardinsburg. The youth's arm later was amputated.

Five other persons were arrested in the raid and the agents said they found a 150-gallon still, 13 barrels of mash, and 2 quarts of whisky. The condition of the wounded youth, due to shock and loss of blood, was said to be critical.

TOLEDO, August 14, 1928.—The sixth of a series of attacks on peaceful pleasure yachts on Lake Erie was reported yesterday when it was learned that two boats owned by influential Toledo men had been fired on Monday by a Coast Guard unit near Catawba Cliffs, fashionable summer colony.

One investigation had previously been made of the Toledo situation by Washington officials, in which it was disclosed Coast Guard gunners were firing live shells because they had run out of blank charges.

Socially prominent women in the parties fired on Monday were in hysterics after the yachts had been stopped by Coast Guard bullets and then boarded by guardsmen in search of liquor. The yachts were permitted to proceed.

Girls in a girl scout camp near Catawba Cliffs were among those endangered by Coast Guard gunfire.

The yachts which were the subjects of Monday's firing were owned by Carlton Baumgardner, wholesale dry-goods merchant, and Lloyd Hixon, lumber dealer. Among the passengers was Mrs. Webb Hayes, wife of a lieutenant commander of the United States Navy.

Toledo indignation over gunfire from coast patrols first arose when on July 5 the *Priscilla*, a yacht owned by Thomas H. Devillbiss, manufacturer, returned from an inspection of his Canadian branch factories at Windsor, Ontario. A patrol boat without lights fired across the *Priscilla's* bow and proceeded in the dark without making any explanation.

The yacht of Walter S. Hayes, grandson of the late President Hayes, was twice fired on by Coast Guard patrols. Hayes addressed a complaint to Secretary Mellon, who promised an investigation.

Mellon informed Hayes the shots fired were "probably blanks." But on the second attack on his boat Coast Guard men admitted they were live shells. Hayes again protested to Mellon, who to date has not replied.

[From the New York World]

CLINTON, ILL., September 28, 1928.—John G. Berlew, a dry agent, was arraigned in the circuit court to-day charged with kidnaping and contributing to the delinquency of Mildred Brown, 14, of Weldon Springs. The evidence showed that when Berlew met the child he was employed by the State's attorney of De Witt County to run down Volstead law violators.

Berlew, it is charged, lured the girl away from her home and used her in his efforts to trap Volstead violators. Last Sunday he registered her in a Taylorville hotel under an assumed name as his wife. They remained in the hotel three days.

Berlew learned that De Witt County authorities were sending notices over the State offering a reward of \$100 for his arrest. Fearing a penitentiary sentence, he took the girl before a police magistrate and they were married. Berlew was arrested. The child was held until her mother arrived and took her home.

He is now held under \$11,000 bonds on the kidnaping charge and the delinquency charge. He also is held on three charges of perjury for filing allegedly false affidavits while he was procuring liquor evidence and another charge of violating the prohibition laws.

[From the New York Times]

MERLE ADAMS

CHICAGO, August 21, 1928.—"Hard-bolled" George Golding's special prohibition squad "got their man" to-day in the City Hall Square Building, across the street from the courthouse. They shot him and blackjacked him and kept him for half an hour while they questioned him, and then finally learned that his name was Merle Adams, an insurance agent, of 1348 Hood Avenue. To-night he was reported near death at St. Luke's Hospital.

For a half hour after the shooting occupants of the building were terrorized by brandished revolvers and curt commands to "get back in your office; we're Government men."

When the police came they were told, "Stay out; we don't need you."

Finally Miss Ann Carey, a lawyer with offices in the building, decided some one ought to call a doctor, and she did so. The wounded man, who was shot above the heart, was then taken out of the offices which the Government men suspected of being the headquarters of a liquor syndicate.

The shooting startled the loop building, and it was hours before quiet was restored. Adams was shot on the eighth floor, pursued to the second floor and beaten, then forced to go back up to the eighth floor.

A guard stood over the wounded man at the hospital when newspaper men sought to obtain the facts concerning the shooting. A special enforcer of Golding's squad, Robert Coyne, had given the hospital attachés orders to permit no one to see him but his wife. She denied that Adams was a bootlegger.

Golding came here last spring from New York City, where he had been a policeman. He has led a squad of dry agents in numerous raids armed with sawed-off shotguns and pistols, but was reported to be out of the city during to-day's raid. His assistant, E. Avis, assumed

charge at the City Hall Square Building and threatened to smash cameras or faces if any pictures were taken.

Capt. John Horan, of the police department, obtained the names of the three agents who conducted the raid. The one who fired the shots was said to be Arthur Franklin, and his companions were James Evans and Edward P. Gill.

Asked if the Government raiders had a warrant, Captain Horan said he understood they had not. Asked if any liquor was found in the rooms, he said he understood there was none.

[From the South Bend (Ind.) News, June 6, 1928]

Two Federal prohibition officers gathered up two girls, one 20 years old and the other 16, and took them to a cabin near Clinton, Mo., on a balmy night in April. They took plenty of liquor along and spent the night in drinking and carousing.

The State of Missouri indicted the two men for transportation of liquor and for giving it to the girls.

The Federal authorities stepped into the case, as usual, dragged the two officers out of the State courts through the accustomed habeas corpus proceedings and now sends an assistant United States attorney to act as chief of their defense counsel.

"It is sometimes necessary," say the authorities in defense of their position, "to use women decoys to obtain evidence of prohibition violations. In this case there were no specific instructions issued by my office to do so. However, the agents may have found it necessary to create an atmosphere in order to work with any authority."

This "creation of an atmosphere" is interesting and amusing. The atmosphere created in Missouri is not, to speak frankly, highly aromatic. In fact, it smells to high heaven.

One wonders what the purpose of the high jinks in that lonely cabin may have been. Were the agents testing their decoys—if they were decoys? And if they must use decoys, how does this square with the civil-service rules? Who empowered the agents to conduct such an examination? Furthermore, how does it square with the oft-repeated instructions of the department that provocative agents are not to be used?

A government that persuades men to commit crime in order to convict them afterwards is as guilty as the men themselves. An agent who sets up a speak-easy or lures men into disobedience to law is a criminal.

The public, moreover, has never had a satisfactory answer to the question of how the Government may legally take away from the States the right to try offenses against their own laws. It does so. The Federal Government has usurped all of the State's sovereignty, and it has done so in behalf of criminals, crooks, and murderers.

These are the things that disgust many temperate men with the present method of liquor-law enforcement.

AROUSING IN GIRL'S DEATH—HENRY COUNTY BELIEVES DEPUTY WAS HASTY IN SHOOTING INTO CAR—BUT NO CRIMINAL LIABILITY IS PLACED ON F. G. HALL, WHO FIRED THE SHOT WHICH KILLED ELEANOR HARIGAN

CLINTON, Mo., January 23.—Just why a deputy constable and his posse couldn't halt a motor car without firing at its occupants and killing a 6-year-old girl, many Henry County citizens to-day are unable to understand.

Little Eleanor Harigan was killed late yesterday near Windsor, Mo., 20 miles northeast of here, when her father, William Harigan, of Montrose, Mo., wouldn't stop his car when ordered to do so by T. G. Hall, a deputy constable of Windsor. Mr. Harigan says he believed Hall and his posse were hold-up men.

FARMER STARTS THE CHASE

Word had gone out from a farmer south of Windsor that he had seen two motor cars which aroused his suspicions near his farm. "I knew he was shot worse than he thought he was," the farmer thought he heard one of the occupants say.

The farmer notified the authorities at Windsor. Hall formed a posse and went in pursuit. The farmer believed he had seen one of the men place a sack in a pasture near by.

"Ah, bootleggers," thought the posse, as the trail was followed south 7 miles to Calhoun, Mo. Returning to Windsor, the men saw an old Buick car. In it rode Eleanor, her father, her mother, and her aunt, Mrs. Roza Luebbering, also of Montrose.

When Harigan refused to stop his car a shot was fired into the car by Hall or a member of his posse. The little girl slumped to her seat, dead.

SOME BLAME THE DEPUTY

Commenting here to-day on the case, several persons have said Harigan's motor car could have been stopped if the deputy or his men had fired into the tires.

Of course, there are those who believe the deputy or his men fired accidentally into the car, the bullet being aimed at the tires. Over at

Windsor there is little excitement. It was just a regrettable accident, persons there are saying.

In the meantime a coroner's jury has found no criminal liability, holding the girl was killed by a bullet fired by Hall or a member of his posse. Windsor is about 89 miles northeast of Kansas City, in the extreme eastern part of Henry County.

COLORADO RIVER POWER PERMITS

Mr. PITTMAN. Mr. President, I report favorably with an amendment from the Committee on Irrigation and Reclamation the joint resolution (S. J. Res. 201) restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River, and I ask unanimous consent for its present consideration.

This joint resolution is the same that has been adopted practically at every session since we started with the Boulder Dam legislation. The Boulder Dam legislation contains a similar paragraph. It is to protect the situation pending the ratification or refusal of ratification of that measure. I therefore ask for the present consideration of the resolution.

There being no objection the joint resolution was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Irrigation and Reclamation with an amendment, on page 1, line 8, after the word "River," to insert the words "and its tributaries," so as to make the joint resolution read:

Resolved, etc., That the Federal Power Commission is hereby directed not to issue or approve any permits or licenses under the provision of the act of Congress approved June 10, 1920 (41 Stat. 1063, known as the Federal water power act), upon or affecting the Colorado River or any of its tributaries, except the Gila River and its tributaries, in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California, unless and until the act approved December 21, 1928, known as the Boulder Canyon project act, becomes effective as therein provided.

The amendment was agreed to.

Mr. ASHCROFT. Mr. President, the amendment provides that the embargo shall not apply to the Gila River or its tributaries. Am I right?

Mr. PITTMAN. That is correct. A bill was passed the other day authorizing the granting of licenses on the Gila.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

CHICAGO WORLD'S FAIR

Mr. DENEEN. Mr. President, I ask unanimous consent for the immediate consideration of House Joint Resolution 365, authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes. The joint resolution was passed unanimously by the House, sent to the Senate, referred to the Committee on Finance, and was reported unanimously by that committee, with a request for immediate consideration.

The joint resolution relates to a world's fair in Chicago in 1933. It is proposed to celebrate the centennial of the organization of Chicago as a municipality in that year. All that is asked in the matter is to have the President, by a proclamation or otherwise, invite the nations of the world to send exhibits to the fair. A provision has been made in the resolution itself whereby the city of Chicago will not ask for any appropriation from the Government, and that the Government hereafter shall be under no obligation whatever to make an appropriation.

Mr. ROBINSON of Arkansas. I see that the resolution provides that the invitations shall not be extended by the President for foreign governments to participate until the World's Fair Corporation has itself raised the sum of \$5,000,000.

Mr. DENEEN. That is correct.

Mr. ROBINSON of Arkansas. I have no objection to the immediate consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 5549) to provide for the disposition of revenues arising from operations of the United States Public Health Service, and for other purposes; to the Committee on Finance.

By Mr. JONES:

A bill (S. 5550) to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon for use as a constant frequency monitoring radio station, and for other purposes; to the Committee on Commerce.

By Mr. HALE:

A bill (S. 5551) granting an increase of pension to Emma A. Gannett (with accompanying papers); and

A bill (S. 5552) granting an increase of pension to Jennie A. Gilbert (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 5553) for the relief of Annie McColgan; to the Committee on Claims.

A bill (S. 5554) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near Oil City, Venango County, Pa.; to the Committee on Commerce.

A bill (S. 5555) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. SACKETT:

A bill (S. 5556) granting a pension to Nancy M. Tarter (with accompanying papers); and

A bill (S. 5557) granting an increase of pension to Fannie Compton (with accompanying papers); to the Committee on Pensions.

By Mr. SACKETT (for Mr. Goff):

A bill (S. 5558) for the relief of Sada S. Goode; to the Committee on Claims.

A bill (S. 5559) granting a pension to William A. Hawkins (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 5560) for the relief of Capt. Herbert Baldwin; to the Committee on Military Affairs.

A bill (S. 5561) granting a pension to Cora Edna Kuderski; to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 5562) to authorize the survey of certain land claims by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor; and

A bill (S. 5563) to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service; to the Committee on Indian Affairs.

By Mr. BURTON:

A bill (S. 5564) for the relief of the Upson-Walton Co.; to the Committee on Claims.

A bill (S. 5565) authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across Sandusky Bay at or near Sandusky, Ohio; to the Committee on Commerce.

By Mr. PITTMAN:

A bill (S. 5566) to include certain lands in the counties of Lincoln, Nye, and White Pine, Nev., in the Nevada National Forest, Nev., and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. GEORGE:

A bill (S. 5567) authorizing receivers of national banking associations to compromise shareholders' liability; to the Committee on Banking and Currency.

By Mr. BRATTON:

A bill (S. 5568) granting a pension to Ida Lyons;
A bill (S. 5569) granting a pension to Frank Preusser; and
A bill (S. 5570) granting an increase of pension to Harry E. Kimble; to the Committee on Pensions.

By Mr. GLASS:

A bill (S. 5571) to amend section 7 of the Federal reserve act, as amended; and

A bill (S. 5572) to amend section 19 of the Federal reserve act, as amended; to the Committee on Banking and Currency.

By Mr. KENDRICK:

A bill (S. 5573) granting the consent of Congress to compact or agreements between the States of Colorado, Nebraska, and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

By Mr. RANSDELL:

A bill (S. 5574) to amend and reenact the provisions of the tariff act of 1922 relating to jute and its products; to the Committee on Agriculture and Forestry.

By Mr. McNARY:

A bill (S. 5575) authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. FESS:

A bill (S. 5576) granting an increase of pension to Maria O. Walter; and

A bill (S. 5577) granting an increase of pension to Elizabeth Gifford; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 5578) recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crew of the U. S. S. *America*, and for other purposes; to the Committee on Commerce.

By Mr. WATSON (for Mr. ROBINSON of Indiana):

A bill (S. 5579) granting a pension to Mary R. Gehlbach; and

A bill (S. 5580) granting an increase of pension to Katie H. V. Long (with accompanying papers); to the Committee on Pensions.

By Mr. HAYDEN:

A bill (S. 5581) to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928; to the Committee on Public Buildings and Grounds.

CHANGE OF REFERENCE

On motion of Mr. CURTIS, the Committee on Rules was discharged from the further consideration of the joint resolution (S. J. Res. 177) for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, and it was referred to the Committee on Military Affairs.

SURVEY OF INDIAN CONDITIONS

Mr. FRAZIER submitted an amendment intended to be proposed by him to the resolution (S. Res. 303) increasing the limit of expenditure for a survey of Indian conditions in the United States, which was referred to the Committee on Indian Affairs and ordered to be printed.

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. ODDIE submitted an amendment intended to be proposed by him to House bill 16422, the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the school-construction items insert the following:

"For the construction of an addition to the Whittier School, in accordance with existing plans, including a gymnasium and assembly hall, with proper equipment and furniture, \$125,000."

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL

Mr. SHORTRIDGE submitted an amendment proposing to increase the appropriation for investigation, etc., in connection with cereal crops and diseases to \$818,920 in lieu of \$810,920, as reported by the Committee on Appropriations, intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for silvicultural, dendrological, and other experiments and investigations, etc., from \$413,000 to \$443,000, intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

NELLIE C. BOND ROOT

Mr. GREENE submitted the following resolution (S. Res. 307), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Nellie C. Bond Root, daughter of George H. Bond, late an employee of the Senate under direction of the Sergeant at Arms, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

CONTINUING SURVEY OF INDIAN CONDITIONS

Mr. FRAZIER submitted the following resolution (S. Res. 308), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 79, agreed to on February 1, 1928, authorizing the Committee on Indian Affairs to make a general survey of Indian conditions, hereby is continued in full force and effect until the end of the first regular session of the Seventy-first Congress.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On January 25, 1929:

S. 4976. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near the town of Black Rock, Ark.;

S. 4977. An act granting the consent of Congress to the counties of Lawrence and Randolph, State of Arkansas, to construct, maintain, and operate a bridge across the Spring River at or near Imboden, Ark.;

S. 5038. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Baton Rouge, La.;

S. 5039. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.;

S. 5240. An act to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss.;

S. 1156. An act granting a pension to Lois I. Marshall; and

S. 4488. An act declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stat. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stat. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians.

On January 26, 1929:

S. 3828. An act to amend public law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the Board of Education of personal liability for acts of the board; and

S. 4712. An act to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 1364. An act for the relief of R. Wilson Selby;
S. 1633. An act for the relief of Edward A. Blair;
S. 2989. An act for the relief of John B. Moss;
S. 3327. An act for the relief of Robert B. Murphy;
S. 3741. An act for the relief of S. L. Roberts;
S. 4927. An act for the relief of Peter Shapp; and
S. 4454. An act for the relief of Jess T. Fears.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 2362. An act to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of the Red River, Okla.; and

S. 5110. An act validating certain applications for and entries of public lands, and for other purposes.

The message further announced that the House had passed the bill (S. 4338) to authorize the President to award, in the name of Congress, gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1071. An act for the relief of Clyde Calvin Rhodenbaugh;

H. R. 1393. An act for the relief of Frank Fowler;

H. R. 1468. An act for the relief of John J. O'Connor;

H. R. 2659. An act for the relief of Annie M. Lizenby;

H. R. 3044. An act for the relief of Leon Freidman;

H. R. 3047. An act for the relief of J. Edward Burke;

H. R. 3677. An act for the relief of F. M. Gray, Jr., Co.;

H. R. 3728. An act for the relief of Rossetta Laws;

H. R. 4770. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 5286. An act for the relief of J. H. Sanborn;

H. R. 5287. An act for the relief of Etta C. Sanborn;

H. R. 5288. An act for the relief of William F. Kallweit;

H. R. 5289. An act for the relief of Loretta Kallweit;
H. R. 5932. An act for the relief of Arthur Moffatt, deceased;
H. R. 6204. An act for the relief of Rebecca J. Rider;
H. R. 6892. An act for the relief of Martha J. Tonguet;
H. R. 7173. An act granting compensation to the daughters of James P. Gallivan;
H. R. 8079. An act for the relief of Henrietta Seymour, widow of Joseph H. Seymour, deceased;
H. R. 8575. An act for the relief of Thomas Gaffney;
H. R. 9213. An act granting relief to the widow of Albert F. Smith.
H. R. 9972. An act for the relief of Charles Silverman;
H. R. 10238. An act for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy;
H. R. 10774. An act for the relief of Carlisle Commission Company;
H. R. 11698. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes;
H. R. 11699. An act conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quconvilly* against the United States, and for other purposes;
H. R. 11869. An act for the relief of William L. Bruhn;
H. R. 11963. An act for the relief of Leo B. Thome;
H. R. 12339. An act authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock;
H. R. 12390. An act for the relief of Frank C. Messenger;
H. R. 12424. An act for the relief of William Fisher;
H. R. 12475. An act for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.;
H. R. 12502. An act for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deceased;
H. R. 12548. An act for the relief of Margaret Vaughn;
H. R. 13060. An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever;
H. R. 13428. An act for the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China;
H. R. 13521. An act for the relief of Minnie A. Travers;
H. R. 13573. An act for the relief of Pedro P. Alvarez;
H. R. 13632. An act for the relief of Ruth B. Lincoln;
H. R. 13638. An act for the relief of Weymouth Kirkland and Robert N. Golding;
H. R. 13658. An act for the relief of Hugh Anthony McGuigan;
H. R. 13673. An act for the relief of John Burket;
H. R. 13721. An act for the relief of Edwin I. Chatcuff;
H. R. 13734. An act for the relief of James McGourty;
H. R. 13888. An act for the relief of Charles McCoombe;
H. R. 13992. An act for the relief of N. P. Nelson & Co.;
H. R. 14242. An act for the relief of Everett A. Dougherty;
H. R. 14378. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin;
H. R. 14493. An act for the relief of George Press;
H. R. 14572. An act for the relief of William D. Ghrist;
H. R. 14722. An act for the relief of Jacob Scott;
H. R. 14728. An act for the relief of J. A. Smith;
H. R. 14761. An act for the relief of Clarence Stevens;
H. R. 14781. An act for the relief of James D. Poteet;
H. R. 14897. An act for the relief of Matthias R. Munson;
H. R. 14972. An act for the relief of Sylvester S. Thompson;
H. R. 14981. An act for the relief of Josephine Laforge (Sage Woman);
H. R. 15004. An act for the relief of Florence P. Hampton;
H. R. 15039. An act for the relief of Winston W. Davis;
H. R. 15279. An act for the relief of the family of Wang Erh-Ko;
H. R. 15292. An act for the relief of the First National Bank of Porter, Okla.;
H. R. 15561. An act to correct the military record of Lawrence Fisher;
H. R. 15651. An act for the relief of Leonidas L. Cochran;
H. R. 15700. An act for the relief of the heirs of William W. Head, deceased;
H. R. 15919. An act to authorize the issuance of patent for lands containing copper, lead, zinc, gold, or silver and their associated minerals, and for other purposes;
H. R. 16422. An act making appropriations for the government of the District of Columbia and other activities chargeable

in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes;
H. R. 16500. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and
H. R. 16522. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ENROLLED BILLS SIGNED

The message also further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1511. An act for the exchange of lands adjacent to national forests in Montana;
S. 3949. An act to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.);
H. R. 5953. An act for the relief of E. L. F. Auffurth;
H. R. 6350. An act for the relief of Bertram Lehman;
H. R. 6704. An act for the relief of Harry Pincus;
H. R. 7411. An act for the relief of Gilbert Faustina and John Alexander;
H. R. 8988. An act for the relief of Milton Longsdorf;
H. R. 9049. An act to amend section 227 of the Judicial Code;
H. R. 9509. An act for the relief of Ray Ernest Smith;
H. R. 10125. An act for the relief of Leo Scheuren;
H. R. 10126. An act for the relief of Loretta Pepper;
H. R. 10974. An act for the relief of Carl Holm;
H. R. 12879. An act to repeal section 1445 of the Revised Statutes of the United States; and
H. R. 13144. An act to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes.

REIMBURSEMENT OF NEVADA (S. DOC. NO. 210)

The PRESIDING OFFICER (Mr. BINGHAM in the chair) laid before the Senate the following communication from the Comptroller General of the United States:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, January 26, 1929.

THE PRESIDENT OF THE SENATE.

SIR: There has been received Senate Resolution 295, Seventieth Congress, second session, authorizing and directing me to—

"* * * reopen and restate the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States, and on such restatement (1) to accept as a basis of calculation the balance due the State of Nevada on January 1, 1900, stated in the account set forth in the report of the Secretary of the Treasury printed in House Document No. 322, Fifty-sixth Congress, first session; (2) to add to such balance the interest certified by the comptroller of the State of Nevada as actually paid by said State on the sums so advanced and expended from January 1, 1900, to December 31, 1928; (3) to deduct from the total sum so stated the interest at 5 per cent per annum on \$8,559.61 repaid by the United States on April 10, 1888, from the date of payment to December 31, 1928; (4) to deduct \$12,283.04 repaid by the United States on July 1, 1910, together with interest thereon at the rate of 5 per cent per annum from July 1, 1910, to December 31, 1928, and certify to the Senate the balance found due the State of Nevada."

Complying therewith, I have the honor to certify that the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States has been reopened and restated as directed in said resolution, and on said reopening and restatement the balance found due to the State of Nevada is \$595,076.53, as follows:

1. Basis of calculation, balance due to the State of Nevada on Jan. 1, 1900, as stated in the account set forth in the report of the Secretary of the Treasury printed in House Document 322 (56th Cong., 1st sess.)	\$462,441.97
2. Plus interest certified by the comptroller of the State of Nevada as actually paid by the State of Nevada on the same so advanced and expended from Jan. 1, 1900, to Dec. 31, 1928, at 5 per cent per annum, on principal sum of \$119,800.12 advanced and expended by the State of Nevada in aid of the Government of the United States during the War between the States	175,710.17
	638,152.14
3. Less interest at 5 per cent per annum on \$8,559.61 repaid by the United States on Apr. 10, 1888, from date of payment to Dec. 31, 1928	17,429.92
	618,722.22

4. Less \$12,283.04 repaid by the United States on July 1, 1910, with interest thereon at 5 per cent per annum from July 1, 1910, to Dec. 31, 1928, \$11,362.65, or a total deduction of----- \$23, 645. 69

Net balance----- 595, 076. 53

Respectfully,

J. R. McCARL,
Comptroller General of the United States.

Mr. PITTMAN. I ask that the report of the Comptroller General be printed and referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, the report will be printed as a Senate document and referred to the Committee on the Judiciary.

AWARD OF GOLD MEDALS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4338) to authorize the President to award, in the name of Congress, gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes, which were, on page 1, line 5, after the word "to," to insert "Commander John H. Towers for conceiving, organizing, and commanding the first trans-Atlantic flight"; and on page 1, line 6, after the word "officer," insert "NC-4."

Mr. METCALF. I move that the Senate concur in the House amendments.

The motion was agreed to.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 15279. An act for the relief of the family of Wang Erh-Ko; to the Committee on Foreign Relations.

H. R. 16422. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes; to the Committee on Appropriations.

H. R. 16500. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 16522. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee on Pensions.

H. R. 12339. An act authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock;

H. R. 14761. An act for the relief of Clarence Stevens;

H. R. 14981. An act for the relief of Josephine Laforge (Sage Woman);

H. R. 15651. An act for the relief of Leonidas L. Cochran;

H. R. 15700. An act for the relief of the heirs of William W. Head, deceased; and

H. R. 15919. An act to authorize the issuance of patent for lands containing copper, lead, zinc, gold, or silver and their associated minerals, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 4770. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 9972. An act for the relief of Charles Silverman;

H. R. 10238. An act for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy;

H. R. 12390. An act for the relief of Frank C. Messenger;

H. R. 12502. An act for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deceased;

H. R. 12548. An act for the relief of Margaret Vaughn;

H. R. 13428. An act for the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China;

H. R. 13658. An act for the relief of Hugh Anthony McGuigan; and

H. R. 13721. An act for the relief of Edwin I. Chateauf; to the Committee on Naval Affairs.

H. R. 2659. An act for the relief of Annie M. Lizenby;

H. R. 3044. An act for the relief of Leon Friedman;

H. R. 3047. An act for the relief of J. Edward Burke;

H. R. 3677. An act for the relief of F. M. Gray, jr., Co.;

H. R. 5286. An act for the relief of J. H. Sanborn;

H. R. 5287. An act for the relief of Etta C. Sanborn;

H. R. 5288. An act for the relief of William F. Kallweit;

H. R. 5289. An act for the relief of Loretta Kallweit;

H. R. 7173. An act granting compensation to the daughters of James P. Gallivan;

H. R. 10774. An act for the relief of Carlisle Commission Co.;

H. R. 11698. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes;

H. R. 11699. An act conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quevilly* against the United States, and for other purposes;

H. R. 12475. An act for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.;

H. R. 13521. An act for the relief of Minnie A. Travers;

H. R. 13573. An act for the relief of Pedro P. Alvarez;

H. R. 13632. An act for the relief of Ruth B. Lincoln;

H. R. 13638. An act for the relief of Weymouth Kirkland and Robert N. Golding;

H. R. 13734. An act for the relief of James McGourty;

H. R. 13888. An act for the relief of Charles McCoombe;

H. R. 13992. An act for the relief of N. P. Nelson & Co.;

H. R. 14378. An act to authorize an appropriation to cover damages to an automobile of William H. Baldwin;

H. R. 14572. An act for the relief of William D. Ghrist;

H. R. 14728. An act for the relief of J. A. Smith;

H. R. 14897. An act for the relief of Matthias R. Munson;

H. R. 15004. An act for the relief of Florence P. Hampton;

H. R. 15039. An act for the relief of Winston W. Davis; and

H. R. 15292. An act for the relief of the First National Bank of Porter, Okla.; to the Committee on Claims.

H. R. 3728. An act for the relief of Rossetta Laws;

H. R. 5932. An act for the relief of Arthur Moffatt, deceased;

H. R. 6204. An act for the relief of Rebecca J. Rider;

H. R. 6892. An act for the relief of Martha J. Tonguet;

H. R. 8079. An act for the relief of Henrietta Seymour, widow of Joseph H. Seymour, deceased;

H. R. 8575. An act for the relief of Thomas Gaffney;

H. R. 9213. An act granting relief to the widow of Albert F. Smith;

H. R. 1071. An act for the relief of Clyde Calvin Rhodenbaugh;

H. R. 1393. An act for the relief of Frank Fowler;

H. R. 1468. An act for the relief of John J. O'Connor;

H. R. 11869. An act for the relief of William L. Bruhn;

H. R. 11963. An act for the relief of Leo B. Thome;

H. R. 12424. An act for the relief of William Fisher;

H. R. 13060. An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever;

H. R. 13673. An act for the relief of John Burket;

H. R. 14242. An act for the relief of Everett A. Dougherty;

H. R. 14493. An act for the relief of George Press;

H. R. 14722. An act for the relief of Jacob Scott;

H. R. 14781. An act for the relief of James D. Poteet;

H. R. 14972. An act for the relief of Sylvester S. Thompson; and

H. R. 15561. An act to correct the military record of Lawrence Fisher; to the Committee on Military Affairs.

NICARAGUA CANAL

Mr. EDGE. Mr. President, I desire to ask unanimous consent that the Senate proceed to the consideration of Order No. 785, Senate Joint Resolution 117, authorizing an investigation and survey for a Nicaraguan canal.

Mr. BRATTON. Mr. President—

Mr. EDGE. I yield to the Senator.

Mr. BRATTON. I suggest to the Senator from New Jersey that before we do that, we take up the calendar for the consideration of unobjected bills, at the point where we discontinued a few days ago, and finish the call of the calendar for the consideration of unobjected bills, and then proceed to the consideration of the resolution to which the Senator is now addressing himself.

Mr. CURTIS. Mr. President, I had intended to make that request after this matter had been acted upon. The Senator from New Jersey assures me that it will take but a few minutes, and if he sees that it is going to lead to debate, that he will withdraw the request.

Mr. DILL. Mr. President, I may say to the Senator that it would take the rest of the time between now and 2 o'clock for the discussion of the joint resolution.

Mr. EDGE. Mr. President, with the statement of the Senator from Washington that he would discuss the measure until the

termination of the morning hour, of course I will not press my request; I would very much prefer to have the calendar called. But I will say to the Senator from Washington that, as far as I can ascertain, there is very little, if any, opposition to the resolution, and I would like to have an hour sometime in order to hear what the opposition may be.

Mr. DILL. I can not give unanimous consent to the enlargement of American interests in Nicaragua while the American marines are being kept there. It will give the administration one more reason for keeping the marines down there interfering with the peaceful pursuits of those people.

Mr. CURTIS. Mr. President, I ask unanimous consent that we proceed to the consideration of unobjected bills on the calendar, beginning where we left off at the last call.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Is there objection?

Mr. NORRIS. Mr. President, let me suggest to the Senator from Kansas that we have proceeded with the call of the calendar thus far without restricting the call to the consideration of unobjected bills. Could we not complete the call of the rest of the bills on the calendar under the same arrangement we have followed thus far?

Mr. CURTIS. I have no objection to that, but on Monday that order will be reached automatically, and I thought if we could dispose of the unobjected bills we could make more progress.

Mr. NORRIS. That would be perfectly agreeable if the Senator intended to ask for an adjournment to-night and not a recess.

Mr. CURTIS. It was my intention to ask the Senate to adjourn at the conclusion of its business to-day, because several Senators have notified me that they will want to bring up bills on Monday.

Mr. NORRIS. Then I have no objection.

Mr. EDGE. Mr. President, I have no intention of objecting, because I think we should proceed with the call of the calendar and complete it, but in view of the statement of the Senator from Kansas that he will ask for an adjournment this evening, I give notice that at the conclusion of the morning business on Monday I will ask for the consideration of my joint resolution for the purpose of finding out what the opposition to the adoption of the joint resolution is, if there is opposition; at least, we can discuss it up to the end of the morning hour.

THE CALENDAR

Mr. SMITH. Mr. President, may I ask the Senator from Kansas the nature of his request in reference to the calendar and an adjournment?

Mr. CURTIS. My request was that we begin with the call of the calendar where we left off at the last call, to consider unobjected bills on the remainder of the calendar.

Mr. SMITH. Does the Senator intend to ask for an adjournment when we conclude our business to-day?

Mr. CURTIS. I have not talked with the Senator in charge of the unfinished business, but several Senators have said that they have matters they want to take up on Monday, and it was my intention to ask for an adjournment at the conclusion of business to-day.

Mr. BRUCE. Mr. President, would that interfere with the consideration of the naval bill as the unfinished business?

The PRESIDING OFFICER. The Chair is of opinion that it would not.

Mr. BRUCE. The proposal is to take up the calendar at what point?

The PRESIDING OFFICER. Order of Business 1475, where we left off at the last call, and proceed with unobjected bills on the calendar. Is there objection? The Chair hears none, and it is so ordered, and the clerk will proceed with the call of the calendar.

The bill (H. R. 12695) to authorize the licensing of patents owned by the United States was announced as first in order on the calendar.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 15386) making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, was announced as next in order.

Mr. NORRIS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (H. J. Res. 340) to authorize the Secretary of the Treasury to cooperate with the other relief creditor Governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of

the indebtedness of Austria to the United States, was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

AMENDMENT TO FEDERAL RESERVE ACT

The bill (S. 5349) to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes, was announced as next in order.

Mr. McKELLAR. Will not some one explain this measure?

Mr. REED of Missouri. I want to know what it is.

The PRESIDING OFFICER. The clerk will read the bill.

The Chief Clerk read as follows:

Be it enacted, etc., That the seventh paragraph of section 9 of the Federal reserve act, as amended (sec. 326, title 12, U. S. C.), is further amended by striking out the last sentence thereof and inserting the following:

"The expenses of all examinations, other than those made by State authorities, may, in the discretion of the Federal Reserve Board, be assessed against the banks examined and, when so assessed, shall be paid by the banks examined. Copies of the reports of such examinations may, in the discretion of the Federal Reserve Board, be furnished to the State authorities having supervision of such banks, to officers, directors, or receivers of such banks, and to any other proper persons."

Sec. 2. That section 5240, United States Revised Statutes, as amended by section 21 of the Federal reserve act, is further amended in the third paragraph thereof (sec. 483, title 12, U. S. C.) by striking out the second sentence of such paragraph and inserting in lieu thereof the following:

"The expense of such examinations may, in the discretion of the Federal Reserve Board, be assessed against the banks examined, and, when so assessed, shall be paid by the banks examined."

Mr. REED of Missouri. Mr. President, reserving the right to object, I want to ask the sponsor for the bill to give an explanation of it.

Mr. EDGE. Mr. President, I was about to suggest that the chairman of the Committee on Banking and Currency [Mr. NORRIS] is not in the Chamber. I had intended to make the same request. I think the bill should go over.

Mr. REED of Pennsylvania. Mr. President, will the Senator withhold his objection for a moment?

Mr. EDGE. Very well.

Mr. REED of Pennsylvania. The purpose of the bill is perfectly plain. A great many of the State banks have not wanted to join the Federal reserve system for the sole reason that it exposes them to a double examination. The purpose of the bill is to provide that one examination may be made by the Federal examiner and a copy of that examination may be furnished to the State bank-examining authorities, with the result that the one examination shall answer both purposes. It also enables the Federal bank examiner to charge the expense of the examination against the particular bank in question.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. With pleasure.

Mr. ROBINSON of Arkansas. There is nothing in the language of the bill to sustain the statement that the result of the Federal examination is to be certified to the State examining authorities. The bill merely provides that the expense of examinations other than those made by State authorities may, in the discretion of the Federal Reserve Board, be assessed against the banks examined. What is the provision of existing law on that point?

Mr. REED of Pennsylvania. The Senator is perhaps looking at the wrong bill. If he will look at the top of page 2 of Calendar 1479, he will see the provision I spoke of.

Mr. ROBINSON of Arkansas. Yes; I am looking at the bill the Senator refers to. It provides that in the discretion of the Federal Reserve Board there may be furnished to the State authorities having supervision of such bank a copy of such examination.

Mr. REED of Pennsylvania. That is correct.

Mr. ROBINSON of Arkansas. There is no requirement?

Mr. REED of Pennsylvania. Oh, no.

Mr. GLASS. Mr. President, I ask that the bill may go over. I do not know anything about it. I do not know whether the Committee on Banking and Currency considered it or not. I have missed but one meeting of the committee, and I know it was not considered at any meeting at which I was present. Moreover, I will say to the Senator from Pennsylvania, that my recollection of existing law is that there is no unnecessary duplication in examinations because the Federal board is au-

thorized to accept examinations made by the State banking authorities.

Mr. REED of Pennsylvania. Under the present law there is no authority for furnishing a copy of the report of the Federal examination to the State authorities. This merely permits it.

Mr. ROBINSON of Arkansas. Is that the only change in the law?

Mr. REED of Pennsylvania. As I understand it, it is the only change.

Mr. FLETCHER. Mr. President, may I say to the Senator from Virginia that this matter was considered by the Committee on Banking and Currency at the last meeting, when the Senator was not present. The action of the committee was based mainly on the report of the Federal Reserve Board, and the reason for the legislation is set out in the report very briefly. Let me read just one brief paragraph with reference to it:

An amendment making it discretionary with the Federal Reserve Board to assess the costs of examining member banks against the banks examined. The Federal Reserve Board has been handicapped in its efforts "to establish a more effective supervision of banking" by the fact that the present law requires the expenses of all examinations of member banks made by the Federal Reserve Board or by the Federal reserve banks to be assessed against the banks examined. The State banks object to bearing the expenses of such examinations on the ground that it subjects them to the expenses of double examinations; since they are also required, either directly or indirectly, to bear the expenses of examinations made by the State authorities. Examinations made by State authorities frequently are inadequate for the board's purpose, since the State authorities are not charged with the duty of enforcing the provisions of the Federal reserve act and do not always consider it necessary to broaden the scope of their examinations so as to disclose violations of the Federal reserve act.

That leaves it discretionary with the board. Where the State examinations are complete, then the Federal board does not require a Federal examination.

The PRESIDING OFFICER. The Chair will state that, objection having been made by the Senator from Virginia, the bill will be passed over.

Mr. HEFLIN. Mr. President, I was about to ask that it go over until I get a chance to look into it. The statement of the Senator from Florida [Mr. FLETCHER] throws considerable light on it, but I would like to look into the measure further.

The PRESIDING OFFICER. The bill has been passed over, and the clerk will state the next bill on the calendar.

BILL PASSED OVER

The bill (S. 5302) to amend the second paragraph of section 4 of the Federal farm loan act, as amended, was announced as next in order.

Mr. BRUCE. Over.

The PRESIDING OFFICER. The bill will be passed over.

LIGHTHOUSE SERVICE

The bill (S. 5179) to improve the efficiency of the Lighthouse Service, and for other purposes, was announced as next in order.

Mr. WHEELER. Over.

Mr. VANDENBERG. Mr. President, will the Senator withhold his objection for a brief explanation?

The PRESIDING OFFICER. Does the Senator withdraw his objection temporarily?

Mr. WHEELER. Very well.

Mr. VANDENBERG. The bill deals with three very minor matters in the Lighthouse Service, first, permitting the reimbursement of lighthouse keepers at far-distant points, who have to go long distances for medical attention; second, to provide the Government's share, I think \$2,100, in a street tax in front of their Detroit depot; and third, to provide two necessary lights at the Pacific entrance of the Panama Canal. That is the extent of the measure, and it has the unanimous indorsement of all concerned in that branch of the service.

Mr. WHEELER. I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That hereafter the appropriation, "General expenses, Lighthouse Service," shall be available, under rules prescribed by the Secretary of Commerce, for paying the actual and necessary traveling expenses of lighthouse keepers at isolated stations to obtain medical attention.

SEC. 2. The Secretary of Commerce is authorized to pay not exceeding 50 per cent of the cost of paving Mount Elliott Avenue from Wight

Street to the Detroit River, Detroit, Mich., said portion being directly in front of the lighthouse depot at Detroit. The appropriation, "General expenses, Lighthouse Service," of the fiscal year in which the work is undertaken shall be available therefor.

SEC. 3. The Secretary of Commerce is authorized, subject to the consent of the Republic of Panama and suitable diplomatic arrangements for protecting the interests of the United States, to establish and maintain aids to navigation, including the purchase of sites, if necessary, on Jicarita Island and on Morro Puercos in the approaches to the Panama Canal from the Pacific Ocean, said sites belonging to the Republic of Panama.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 7010) to amend the organic act of Porto Rico, approved March 2, 1917, was announced as next in order.

Mr. BAYARD. Over.

The PRESIDING OFFICER. The bill will be passed over at the request of the Senator from Delaware.

ENLARGEMENT OF CAPITOL GROUNDS

The bill (H. R. 13929) to provide for the enlarging of the Capitol Grounds was announced as next in order.

Mr. BRATTON (and other Senators). Over.

Mr. KEYES. Mr. President, will the Senator who objected kindly withhold his objection for a moment?

The PRESIDING OFFICER. There were several objections.

Mr. KEYES. I did not suppose there would be any objection to the bill.

Mr. BLAINE. Mr. President, I do not care to state my reasons this morning for objecting to the bill, because it would involve some discussion.

The PRESIDING OFFICER. Under the unanimous-consent agreement, objection having been made, the bill will be passed over.

Mr. BLAINE subsequently said: I ask permission to return to Order of Business 1485, House bill 13929, for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, the bill will be recurred to, and the amendment will be received.

Mr. BLAINE. Now I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. BRUCE. Mr. President, would there be any objection to the clerk reading the amendment just offered by the Senator from Wisconsin? I should like to hear it read.

The PRESIDING OFFICER. Without objection, the amendment will be read.

The Chief Clerk proceeded to read the amendment, which is as follows:

The Secretary of Labor is hereby authorized and directed to provide for the construction, equipment, maintenance, repair, and operation of Government dormitories for women employees of the United States in the District of Columbia, and of such refectories, laundries, power houses, infirmaries, and other structures as, in the opinion of the Secretary of Labor, are suitable and necessary for use in connection with such dormitories. Such dormitories and other buildings may, in the discretion of the Secretary of Labor, be erected either upon the present sites of the Government hotels or dormitories, known as the Capitol group and the Plaza group, between Delaware Avenue and New Jersey Avenue, or upon lands which may be acquired for this purpose in the District of Columbia within a radius of not more than 1 mile from the Treasury Building. The dormitories shall be capable of accommodating not less than 1,500 nor more than 2,500 persons, and they may be constructed in separate units to accommodate 500 persons or any multiple of such number.

SEC. 2. That in order to carry out the purposes of this act the Secretary of Labor is hereby authorized and empowered—

(a) To sell for the purpose of removal the existing Government hotels or dormitories referred to in section 1 of this act, or to remove the same and sell or otherwise dispose of the materials used in their construction;

(b) To exercise exclusive direction and control over all matters pertaining to the dormitories and other buildings herein authorized to be constructed and over the Government dormitories fund hereinafter established, through such agency or agencies as he may create or designate;

(c) To make such agreements, contracts, and regulations as he may deem necessary and appropriate;

(d) To appoint, in accordance with the civil service laws, such officers and employees as are necessary for executing the functions vested in

him by this act, and, in accordance with the classification act of 1923, to fix the salaries of such officers and employees; and

(e) To acquire by purchase, condemnation, or otherwise such lands as may be necessary.

SEC. 3. (a) There is hereby established a special fund, to be known as the Government dormitories fund (hereinafter referred to as the fund). All amounts received in carrying out the provisions of this act shall be covered into the fund, and are reserved, set aside, and appropriated to be available for use by the Secretary of Labor in accordance with the provisions of subdivision (b) of this section.

(b) The amounts derived from the sale of the bonds hereinafter authorized shall be available only for the payment of the costs of construction and equipment of the dormitories and other buildings herein authorized and for the payment of interest on such bonds during the period of construction. The receipts derived from rentals shall be available for the payment of the principal and interest on such bonds and for defraying the expenses of maintenance, repair, and operation of such dormitories and other buildings. After the payments of the principal and interest on such bonds have been completed, so much of the receipts derived from rentals as are not necessary for defraying such expenses of maintenance, repair, and operation shall be annually covered into the Treasury to the credit of miscellaneous receipts.

SEC. 4. That in order to provide funds for the payment of the costs of construction and equipment of such dormitories and other buildings the Secretary of the Treasury is hereby authorized, upon request of the Secretary of Labor, to issue bonds of the United States Government of such denominations as the Secretary of the Treasury shall determine and of an aggregate amount not to exceed the sum of \$5,000,000. Each such bond (1) shall contain a provision for the payment of the principal of the bond and the interest thereon upon an amortization plan, by means of a fixed number of quarterly installments sufficient to cover the interest upon the unpaid principal and such amounts, to be applied on the principal, as will extinguish the indebtedness within a period of 50 years from the date of issue of the bonds; (2) shall bear interest at a rate not to exceed 5 per cent per annum; and (3) shall be subject to such other terms and conditions as the Secretary of the Treasury may prescribe.

SEC. 5. That the right to occupy such dormitories shall be restricted to women employees of the United States in the District of Columbia. Each such occupant shall be required to pay a weekly charge or rental in an amount determined by the Secretary of Labor to be just and reasonable as between such occupant and the Government. In making such determination the Secretary of Labor shall take into consideration among other factors (1) the total amount necessary for each quarterly period for the payment of the principal and interest on the bonds herein authorized and for defraying the estimated expenses of maintenance, repair, and operation of such dormitories and other buildings, (2) the total number of persons that such dormitories are capable of accommodating, and (3) the relative rental values of the rooms in such dormitories. Upon the completion of the payments of the principal and interest on such bonds the Secretary of Labor may readjust such weekly charges or rentals.

During the reading—

Mr. BRUCE. Mr. President, I waive any further reading of the amendment.

The PRESIDING OFFICER. The bill will be passed over.

LEWIS H. EASTERLY

The bill (S. 5090) for the relief of Lewis H. Easterly was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Lewis H. Easterly shall be held and considered to have enlisted as a musician in Company G, Ninth Regiment Illinois Volunteer Infantry, on August 1, 1861, to have served continuously until February 5, 1862, and to have been honorably discharged from such service on that date; but no pension, pay, or bounty shall be held to have accrued prior to the passage of this act, except that the Secretary of the Interior is authorized and directed to make payments of pension under claim No. IO-1617817 as if such claim had been allowed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWINA R. MUNCHHOF

The bill (S. 5331) for the relief of Edwina R. Munchhof was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau be, and he is hereby, authorized and directed to pay to Edwina R. Munchhof, widow and designated beneficiary under the policy of

United States Government life insurance issued to Theodore J. Munchhof (XC-1393212), now deceased, the face value thereof in the same manner and with the same effect as if said insurance had been in force at the date of death of the insured, and the director is further authorized to deduct from the face value of the policy all premiums which were due and unpaid at the date of death of the said Theodore J. Munchhof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN J. CAMPBELL

The bill (H. R. 7409) for the relief of John J. Campbell was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 9, to strike out the words "upon the result of such inquiry the" and to insert in lieu thereof the words "if, as the result of such inquiry it is found that he was so incapacitated, the," so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon John J. Campbell, formerly captain in the Chaplains Corps of the Army of the United States, before a retiring board, to inquire whether at the time of his resignation, July 3, 1924, he was incapacitated for active service, and whether such incapacity was a result of an incident of service, and if, as a result of such inquiry it is found that he was so incapacitated, the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said John J. Campbell a captain in the Chaplains Corps, and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided*, That the said John J. Campbell shall not be entitled to any back pay or allowances.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THOMAS W. MOORE

The bill (H. R. 13097) for the relief of Thomas W. Moore was considered as in Committee of the Whole.

Mr. OVERMAN. Mr. President, how much does the bill appropriate? I would like to know just what it is. Let us have the bill read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 7, after the word "honorably," to insert the words "on December 14, 1899," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas W. Moore, who was a member of Company K, Sixteenth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably on December 14, 1899, from the military service of the United States: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GOVERNMENT-OWNED PATENTS

Mr. WATERMAN. Mr. President, I ask unanimous consent that the Senate may revert to Calendar No. 1475, the bill (H. R. 12695) to authorize the licensing of patents owned by the United States, and that the bill be taken up for consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado?

Mr. BRUCE. Mr. President, I should like to have some explanation of the bill.

Mr. WATERMAN. If the Senator will allow me, I will explain it now.

Mr. BRUCE. That is my object in asking for an explanation. Mr. WATERMAN. Does the Senator object to taking the bill up for consideration?

Mr. BRUCE. I am not objecting, but will the Senator let me ask a question? Is this the bill which proposes to exclude everybody except patent attorneys from any work of any description connected with the administration of the Patent Office?

Mr. WATERMAN. It has no relation to any such thing. The bill is merely one providing that where the Government of the United States owns patents, the Government may be permitted, through the President, to authorize the licensing of the use of those patents. That is all there is to it. It is to be done under such terms and conditions as the President may prescribe.

Mr. McKELLAR. What patents?

Mr. WATERMAN. Any patents owned by the Government.

Mr. McKELLAR. Oh, I object to that. I can not consent to the consideration of that bill now.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

ALONZO NORTHRUP

The bill (H. R. 2098) for the relief of Alonzo Northrup was announced as next in order.

Mr. OVERMAN. Mr. President, let the bill be read. I want to know what we are doing.

The PRESIDING OFFICER. The clerk will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, Alonzo Northrup, who served in Company K, First Regiment Michigan Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization: *Provided,* That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH M. M'ALEER

The bill (H. R. 13476) for the relief of Joseph M. McAleer was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

Mr. REED of Pennsylvania. Mr. President, I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

LINCOLN NATIONAL FOREST, N. MEX.

The bill (H. R. 12113) providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That whenever the owner or owners of any privately owned lands situated within townships 16 and 17 south, range 13 east, New Mexico principal meridian, within the county of Otero and State of New Mexico, and within the present boundaries of the Lincoln National Forest, shall submit to the Secretary of Agriculture a proposal for the exchange of said lands for lands upon the public domain situated elsewhere in the State of New Mexico, and such Secretary shall be of opinion that the acquirement of the same by the United States for national-forest purposes would be beneficial thereto, he is hereby authorized and empowered to transmit to the Secretary of the Interior such offer so made to him, together with such recommendations as he may see proper to make in connection therewith, together with a description of the property included in such offer and an estimate of the commercial or other value thereof, intrinsically or otherwise; and if he shall recommend the acquirement of the same by the United States under the provisions hereof, then, in such event, the Secretary of the Interior shall be, and hereby is, authorized and empowered, in his discretion, to enter into and conclude negotiations with such owner or owners thereof, and in exchange for such designated privately owned lands, and upon conveyance by the owner or owners thereof to the United States by a good and sufficient deed, to cause to be patented to such owner or owners such acreage of nonmineral, nonirrigable grazing lands not suitable for agricultural purposes, except for raising grass, situated within the said State of New Mexico, of equal value, as

near as he may be able to determine, to the lands so conveyed to the United States.

SEC. 2. That any lands conveyed to the United States under the provisions of this act shall, upon acceptance of the conveyance thereof, become and be a part of such Lincoln National Forest.

SEC. 3. That before any exchange of lands as above provided is effected notice of such exchange proposal describing the lands involved therein shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GALLUP UNDERTAKING CO.

The bill (S. 4890) authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$120 to the Gallup Undertaking Co., or as much thereof as is necessary, in full and final settlement for the burial of four Navajo Indians, to wit: Mary Uxhi, John Short, an unknown Navajo Indian woman, and Hasteen E. Bai (Kinticini), in the State of New Mexico during the fiscal year 1926.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINA BINTLIFF

The bill (S. 3002) for the relief of Mina Bintliff was announced as next in order.

Mr. OVERMAN. Let us have the bill read. Let us see what it is going to cost the Government.

Mr. BRUCE. Mr. President, what is the nature of the bill? May we have it read? Does anyone know anything about the facts in the case?

The PRESIDING OFFICER. The bill will be read again.

The Chief Clerk read the bill.

Mr. BRUCE. Mr. President, in the first place, we have a general compensation act. Why should we make an exception to it? I would like to have some further explanation of the bill.

Mr. REED of Pennsylvania. The report explains it. It states that this man had actually been adopted in boyhood, but there had never been a legal adoption.

Mr. BRUCE. Does it meet with the approval of the Senator from Pennsylvania?

Mr. REED of Pennsylvania. I know nothing about it except what I am reading from the report.

Mr. BRUCE. If it does meet with his approval, I will be glad to waive any objection, but I do want to know whether the matter has been actually considered by any committee of the Senate.

Mr. FESS. Let the bill go over.

The PRESIDING OFFICER. On objection of the Senator from Ohio, the bill will be passed over.

MICHAEL J. FRAHER

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 940) for the relief of Michael J. Fraher.

Mr. OVERMAN. Mr. President, let the bill be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Michael J. Fraher, who was a member of Company H, Thirty-second Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably on November 4, 1899, from the military service of the United States: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRELIMINARY EXAMINATIONS OF SUNDRY STREAMS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13484) authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes, which had been reported from the Committee on Commerce with an amendment.

Mr. BRATTON. Mr. President, I desire to offer an amendment to the bill. I do not object to its consideration, but I want to offer an amendment to it.

The PRESIDING OFFICER. Does the Senator object to the consideration of the committee amendment?

Mr. BRATTON. I do not.

The PRESIDING OFFICER. The amendment reported by the committee will be stated.

The amendment of the Committee on Commerce was, in section 1, page 2, line 8, before the words "Salmon River," to strike out the word "and," and in line 8, after the word "Alaska," to insert the words "Choctawhatchee River and its tributaries, Florida and Alabama; Brazos and Colorado Rivers, Tex., and their tributaries; and Rough River, Ky.," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examinations to be made of the following streams with a view to the control of their floods in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes:

West branch of the Susquehanna River, Pa.; Auglaize, Blanchard, and Ottawa Rivers, Ohio, and their tributaries, St. Marys River, Ohio; Kootenai River, Idaho; Mouse River, N. Dak.; Black River, Ark.; Mud River, Ky.; Lumber and Little Pee Dee Rivers, S. C.; Lynchs River, S. C.; Mayfield Creek, Ky.; Missouri River, near Elk Point, S. Dak.; Salmon River, Alaska; Choctawhatchee River and its tributaries, Florida and Alabama; Brazos and Colorado Rivers, Tex., and their tributaries; and Rough River, Ky.

SEC. 2. The reports of the preliminary examinations of the west branch of the Susquehanna River, Pa., and the Auglaize, Blanchard, and Ottawa Rivers, Ohio, shall also contain data relative to devising methods whereby the sources of pollution of said streams may be removed.

Mr. BRATTON. I wish to propose an amendment to the committee amendment. On page 2, line 10, following the semicolon, after the word "tributaries," I move to insert "Canadian River and its tributaries, New Mexico."

Mr. JONES. I have no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. BRUCE. Mr. President, I desire to offer an amendment to come in immediately after the amendment proposed by the Senator from New Mexico [Mr. BRATTON]. I move to insert at that point the words "Staunton, Roanoke, Dan, and James Rivers, Va."

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. WALSH of Montana. Mr. President, after the amendment offered by the Senator from Maryland [Mr. BRUCE] I move to insert "Yellowstone River, Mont."

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WABASH RIVER DAM AT GRAND RAPIDS, ILL. AND IND.

The bill (S. 4736) for the repeal of the provisions in section 2 of the river and harbor act approved March 3, 1925, for the removal of a dam at Grand Rapids, on the Wabash River, Ill. and Ind., was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of that bill?

Mr. JONES. Mr. President, in brief, the explanation is this: There was a dam built across this stream, and we passed an act a few years ago authorizing the breaking of the dam and putting a passageway through it, but the department now reports that there are changed conditions and they think that it is wise to leave the dam just as it is.

Mr. McKELLAR. Are the Insull interests involved in this dam in any way?

Mr. JONES. Not that I know of. There was not any suggestion of their interest when the measure was considered by the committee.

Mr. McKELLAR. There might not have been any suggestion of it, and yet they might be very greatly interested in it.

Mr. JONES. I do not think they are. It is a very small dam anyway, so far as that is concerned; but I can not say that they are not. I merely say there was no indication that they were interested. The Senator from Indiana might, of course, give more definite information, but he is not here.

Mr. McKELLAR. Let the bill go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

PROTECTION OF FISHERIES OF ALASKA

The bill (S. 5073) to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes," was announced as next in order.

Mr. WHEELER. I should like an explanation of that bill.

Mr. JONES. I will say that the Delegate from Alaska and the people of Alaska are very much interested in having this measure passed. The section which it is proposed to amend reads in this way:

That it shall be unlawful to can or salt for sale for food any salmon more than 48 hours after it has been killed.

This act was passed some twenty-odd years ago. Storage conditions and various other conditions with reference to handling salmon are very much changed to-day, and as it is proposed to amend the section it will read:

It shall be unlawful to preserve for sale as food for human consumption any salmon, unless it shall have been canned, salted, iced, frozen, smoked, or dried within 48 hours after being killed.

The words added to the section are "iced, frozen, smoked, or dried." The change in the language is necessary to meet the conditions as they have changed during the last twenty-odd years.

Mr. WHEELER. I have no objection to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 7 of the act of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes," is amended so that it will read as follows:

"SEC. 7. It shall be unlawful to preserve for sale as food for human consumption any salmon unless it shall have been canned, salted, iced, frozen, smoked, or dried within 48 hours after being killed."

Mr. WALSH of Montana. I suggest to the Senator from Washington that the language is likely to give rise to much confusion if not litigation. The bill reads:

It shall be unlawful to preserve for sale as food for human consumption any salmon unless it shall have been canned, salted, iced, frozen, smoked, or dried within 48 hours after being killed.

Of course, the canning, salting, icing, freezing, and so on, operate to preserve the salmon?

Mr. JONES. Yes.

Mr. WALSH of Montana. Then, it is provided that it shall be unlawful to preserve it unless it is canned within 48 hours.

Mr. FLETCHER. The words "48 hours" refers to the present provision, and as I understand this amendment, this eliminates the 48-hour requirement.

Mr. JONES. It does not eliminate it. The salmon must have been salted, iced, or frozen within 48 hours.

Mr. COPELAND. Mr. President, the intention, I take it, is simply to include the more modern methods of handling salmon?

Mr. JONES. Yes.

Mr. COPELAND. Heretofore only two methods were used?

Mr. WALSH of Montana. The purpose of the measure is perfectly obvious, but I am speaking about its phraseology.

Mr. JONES. The bill was approved by the House committee and recommended by the department, and I take it that the language employed is satisfactory.

Mr. FLETCHER. It was recommended by the Secretary of Commerce.

Mr. JONES. Yes; it was recommended by the Secretary of Commerce and by all of those interested.

Mr. WALSH of Montana. Very well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF NAVIGATION ON GREAT LAKES

The bill (S. 5095) to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8,

1895, as amended May 17, 1928, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That rule 3, subdivision (c), of an act entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," enacted February 8, 1895, and being chapter 64, Twenty-eighth Statutes at Large, section 645, as amended May 17, 1928, be amended by substituting the letter "a" in parentheses for the second letter "e" in parentheses in the seventh line thereof.

Mr. McKELLAR. Mr. President, I should like to have an explanation of that bill.

Mr. JONES. Mr. President, this bill merely corrects what might be termed the numbering or the designation of a paragraph. The wrong letter was used. Where it should be (a) (e) was used, and this bill merely changes that. That is the only change it makes.

Mr. McKELLAR. I have no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

U. S. COAST GUARD CUTTER "BEAR"

The bill (S. 5178) to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to donate, without expense to the United States, to the city of Oakland, Calif., the historic Coast Guard cutter *Bear*, now no longer fitted for service after 54 years and replaced by another boat.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRIBAL FUNDS OF INDIANS ON KLAMATH RESERVATION, OREG.

The bill (S. 4517) appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and business committee, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 6, after the word "Congress," to insert "or any succeeding Congress," so as to make the bill read:

Be it enacted, etc., That the sum of \$10,000, or so much thereof as may be necessary, of the tribal funds of the Indians residing on the Klamath Reservation in the State of Oregon, namely, the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians, is hereby appropriated to pay the expenses of the general council and business committee (or so-called tribal council) of the said Indians, in organizing and holding councils, conducting tribal elections, maintaining their tribal organization, and generally looking after the affairs of the said tribes, including, among other things, the actual and necessary expenses of its delegation, or legislative committee, in visiting Washington during the second session of the Seventieth Congress or any succeeding Congress; also the expenses incurred, and to be incurred, by the tribal delegation of said Indians in procuring evidence and taking testimony to be used in connection with the three suits instituted by the said Indians against the United States and now pending in the Court of Claims; said sum to be immediately available, and said expenses to be approved by the said business committee and the Commissioner of Indian Affairs and certified to the Secretary of the Interior, and, if so approved and certified, to be paid.

Mr. OVERMAN. I inquire if the money is to be paid out of tribal funds or out of the Treasury?

Mr. McNARY. It is to come out of the tribal funds and not out of the Treasury of the United States.

Mr. BAYARD. Mr. President, will the Senator explain why it is necessary that the Secretary of the Interior must assume charge of this disbursement?

Mr. McNARY. I did not understand the Senator's question.

Mr. BAYARD. Why is it necessary to submit a matter involving tribal funds to the Secretary of the Interior? Why can not the Indians determine it for themselves?

Mr. McNARY. Under the practice and policy of the bureau the Secretary of the Interior has certain control. That is based on statute, and it has always been the practice to refer such matters to him for his best judgment.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 13507) to amend section 3 of Public Act No. 230 (37 Stat. L. p. 194), was announced as next in order.

Mr. McKELLAR. I should like to have an explanation of that bill; otherwise I will have to object to it.

Mr. BRUCE. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

EVERGLADES NATIONAL PARK, FLA.

The bill (S. 4704) to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Everglades National Park in the State of Florida, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 6, before the word "Everglades," to insert the word "Tropic"; in line 7, after the word "of," to strike out "Dade and Monroe" and insert "Dade, Monroe, and Collier"; on page 2, at the beginning of line 3, to insert "other than the salaries of any Government experts who may be assigned for that purpose," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to investigate and report to Congress as to the desirability and practicability of establishing a national park, to be known as the Tropic Everglades National Park, in the everglades of Dade, Monroe, and Collier Counties of the State of Florida, for the benefit and enjoyment of the people of the United States and to preserve said area in its natural state: *Provided*, That such investigation shall be made without expense to the United States other than the salaries of any Government experts who may be assigned for that purpose.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes."

TRANSFER OF THE RETURNS OFFICE

The bill (H. R. 9570) to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the returns office, together with its activities, personnel, contracts, bids, offers, proposals, advertisements, books, records, documents, furniture, office equipment, and papers and property of whatsoever character, is hereby transferred from the Interior Department to the General Accounting Office; and all powers and duties whatsoever in connection therewith now vested in or required to be performed by or under the Secretary of the Interior are transferred to, vested in, and required to be performed by or under the Comptroller General of the United States.

SEC. 2. That so much of appropriations for the Interior Department as applies to expenditures for the returns office, including personnel therefor, is transferred to and made applicable for expenditure by the General Accounting Office.

SEC. 3. That the Comptroller General of the United States is authorized to perform all acts and make such rules and regulations as necessary to carry the provisions of this act into effect.

SEC. 4. That all laws and parts of laws in so far as inconsistent with the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect July 1, 1928.

Mr. McKELLAR. Mr. President, I should like to have an explanation of that bill; otherwise I shall have to object to it.

Mr. WALSH of Montana. Mr. President, I am able to explain the bill to the Senator. Under a very old law the so-called returns office was established in the Interior Department, and all the other departments were required to file in that office a copy of any contract which they might enter into. Under the law as it now exists copies of such contracts are required to be filed with the Comptroller General, so that they are duplicated; there is no longer any occasion for the returns office of the Interior Department, and it is simply transferred from the Interior Department to the Comptroller General.

Mr. McKELLAR. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. D'CAMP

The Senate, as in Committee of the Whole, considered the bill (H. R. 3268) for the relief of John G. DeCamp, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows, or dependent relatives, John G. DeCamp shall hereafter be held and considered to have been honorably discharged on December 22, 1898, instead of on October 25, 1898, from Company E, First Ohio United States Volunteer Infantry: *Provided*, That no bounty, back pay, pension, or allowance, except that to which he is entitled under Private Act No. 168, approved June 17, 1926, shall be held to have accrued prior to the passage of this act.

Mr. BRUCE. Mr. President, may I ask the Senator from Pennsylvania, the chairman of the Committee on Military Affairs, whether that bill meets with his assent?

Mr. REED of Pennsylvania. Yes. It merely recognizes the actual date of discharge and corrects an error in the discharge certificate.

Mr. BRUCE. With that statement of the Senator from Pennsylvania, I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOXING CONTESTS IN THE TERRITORIES

The bill (H. R. 7200) to amend section 321 of the Penal Code was considered as in Committee of the Whole. The bill had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That section 321 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended, is amended by adding at the end thereof the following new sentence: "Nothing in this section or in the preceding section shall be held to prohibit any pugilistic encounter in the Territory of Hawaii or the Territory of Alaska, in conformity with the laws of the respective Territories, if (1) the contestants use gloves not less than 5 ounces each in weight, (2) such encounter is not held on Sunday and does not consist of more than 10 rounds of a duration of more than 3 minutes each with an interval of 1 minute between each round and the succeeding round, and (3) each contestant is over 18 years of age and, one hour prior to such encounter, has been examined by a licensed physician, who shall certify in writing to the referee of such encounter that such contestant is physically fit to engage therein."

Mr. McKELLAR. Mr. President, will the Senator from Oregon [Mr. STEIWER] explain the purpose of that bill?

Mr. STEIWER. Mr. President, it is not a bill in which I am particularly interested, but I can answer the question of the Senator from Tennessee. This bill is merely intended to amend the law now existing which prohibits boxing encounters in the Territories of the United States. It does not remove the inhibition entirely, but provides that such encounters may be held under certain conditions which are set forth in the amended bill. It leaves to the legislative bodies of the Territories to determine for themselves whether boxing encounters shall be held. The committee favored the bill because it is a measure of self-government and places the Territories of Hawaii and Alaska on at least as good a footing as Porto Rico. We thought under the circumstances they ought to be permitted to determine a matter of this kind for themselves.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (S. 4604) for the relief of James L. McCulloch was announced as next in order.

Mr. ROBINSON of Arkansas. I should like to inquire why the assignment in this case was held invalid?

Mr. McNARY. Mr. President, at the request of another Member of the Senate who is not now present, I ask that the bill go over for the day without prejudice.

The PRESIDING OFFICER. Without objection, the bill will be passed over.

The bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes, was announced as next in order.

Mr. WARREN. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GRAND VALLEY RECLAMATION PROJECT, COLORADO

The bill (S. 4710) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado, was announced as next in order.

Mr. WHEELER. I ask that that bill go over.

Mr. PHIPPS. Will the Senator who makes the objection withhold it for a moment in order that I may explain the measure?

Mr. WHEELER. I will withhold the objection for a moment.

Mr. PHIPPS. Mr. President, this bill merely authorizes a reclamation project in Colorado to enter into an agreement with a private company or to construct at its own cost and expense a small hydroelectric plant for the project. The output of power will be used partly on the project, and the surplus will be sold. It means that the United States Government will have no interest in the investment in any manner, but it will bring a revenue to the project which will enable the settlers on that project to pay off their construction charges more rapidly than they otherwise would be able to do. It has the full approval of the Department of the Interior; and the original bill was recast in order more nearly to meet the views of the department. It is hoped that this bill may be passed now, so that it can go to the House and avoid a possible one year's delay in the construction of this small plant, which would produce only something like 250 to 500 horsepower, I believe.

The PRESIDING OFFICER. Is there objection?

Mr. WHEELER. I object.

The PRESIDING OFFICER. Objection is made by the Senator from Montana. The clerk will state the next bill on the calendar.

FRANCIS L. SEXTON

The bill (H. R. 3893) for the relief of Francis L. Sexton was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely. Mr. REED of Pennsylvania. I move that it be indefinitely postponed.

The motion to postpone indefinitely was agreed to.

ATTENDANCE OF WITNESSES UPON FEDERAL COURTS

The bill (S. 5229) to amend section 876 of the Revised Statutes was announced as next in order.

Mr. WALSH of Montana. Mr. President, at the time this bill was reported I sent to the desk an amendment suggested by the Senator from Wisconsin [Mr. BLAINE] which I had intended to offer.

Mr. McKELLAR. Mr. President, will the Senator state something about the bill?

Mr. WALSH of Montana. The law now will permit the calling of witnesses into a Federal court only from the district in which the court sits, or from a distance of 100 miles from that place. That law was passed many years ago when travel was expensive and difficult. It is now hoped that witnesses may be brought from a greater distance. Whenever a desire exists to bring witnesses from a greater distance rather than take their depositions the party desiring to bring the witnesses will make application to the court, and the court may authorize the bringing of the witnesses.

Mr. McKELLAR. The court is vested with discretion?

Mr. WALSH of Montana. With discretion.

Mr. WARREN. Mr. President, I ask that the bill be passed over until I can look into it.

The PRESIDING OFFICER. The bill will be passed over at the request of the Senator from Wyoming.

Mr. WALSH of Montana. Mr. President, I hope the objection may be withdrawn until I can make a statement with respect to the matter.

Mr. WARREN. I wish to have the bill go over until I can look into it.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WALSH of Montana. I will take the liberty to say, under the next bill that the immediate occasion for this legislation is the pending of litigation growing out of the leasing of the naval oil reserves. It is almost imperative that witnesses be brought from distant parts of the country to testify in that litigation.

Mr. WARREN. I think the bill is too general, and I want an opportunity to read it, so I object to its consideration for the time being. I am not assuming that I shall have any objection when I have had an opportunity to examine it.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

APPOINTMENT OF ADDITIONAL DISTRICT JUDGES

The bill (S. 5193) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania was announced as next in order.

Mr. BLEASE. Let that go over.

Mr. REED of Pennsylvania. Mr. President, who objected to the consideration of this bill?

The PRESIDING OFFICER. Objection was made by the Senator from South Carolina [Mr. BLEASE].

Mr. BLEASE. Mr. President, I objected to it because I wish to debate this bill, House bill 8551, House bill 9200, House bill 12811, House bill 8295, and House bill 14659, being Orders of Business 1513, 1514, 1515, 1516, 1517, and 1518. I did not care to take up the time to do that now on account of some bills further down on the calendar.

The PRESIDING OFFICER. Does the Senator desire to enter objections to all those bills?

Mr. BLEASE. All those bills.

Mr. WAGNER. Mr. President, I hope the Senator from South Carolina will withdraw his objection. New York City is very much interested in House bill 9200 and House bill 14659.

Mr. BLEASE. South Carolina is very much interested in one of these bills, also; and I want to show the Senate how my State has been discriminated against in this matter. I want to show why and how; and I object.

Mr. BRUCE. Mr. President, I should like to call the attention of the Senator—

The PRESIDING OFFICER. Objection is made. The clerk will state the next bill on the calendar.

The bill (H. R. 8551) to create an additional judge in the district of South Dakota was announced as next in order.

Mr. WAGNER. Mr. President, I appeal to the Senator from South Carolina to withdraw his objection to the consideration of these bills. I think I can convince him in a moment of the dire necessity of the increase in New York, the congested condition of the calendar, and the great miscarriage of justice due to the inability of litigants to secure trials of their cases. I will say to the Senator that, so far as his State is concerned, I shall be with him on anything he may be able to do to relieve that situation; but if the Senator will just examine the condition of the calendar in those two districts it will be most persuasive on this question. I appeal to the Senator's sense of fairness in this matter.

Mr. BRUCE. Mr. President, will the Senator from South Carolina pardon me for reminding him that only a few days ago I brought out the fact that the United States district attorney in the city of New York said it would take 185 more courts to enforce prohibition in his district; so it seems to me we might give them three or four courts.

Mr. BLEASE. Mr. President, I have reports here from the two Federal judges in South Carolina, one of them a Woodrow Wilson Democrat and the other one a Calvin Coolidge Republican, showing the same condition in South Carolina that there is in New York. Eight judges are reported here, and the only one turned down is from the Democratic State of South Carolina. I propose to appeal to the fairness of the Senate on that proposition when the time comes; and I object. This is simply being made a personal matter against me.

The PRESIDING OFFICER. Under the unanimous-consent agreement, objection having been made, the clerk will state the next bill on the calendar.

Mr. BLEASE subsequently said: Mr. President, awhile ago I objected to the consideration of Calendar Nos. 1513, 1514, 1515, 1516, 1517, and 1518, being bills providing for additional judges in various States. I desire to state to the Chair that if there is any request made to consider any of those bills during my absence, which I hope will not be very long, I wish to be considered as objecting to the consideration of the bill.

The PRESIDING OFFICER. The Senator from South Carolina objects to the consideration of Orders of Business 1514, 1515, 1516, 1517, and 1518, being House bill 8551, House bill 9200, House bill 12811, House bill 8295, and House bill 14659. The clerk will state the next bill on the calendar.

BLACK HILLS AND HARNEY NATIONAL FORESTS, S. DAK.

The bill (S. 5269) to amend the United States mining laws applicable to the Black Hills and Harney National Forests was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I think some one should explain the purpose of this bill.

Mr. NORBECK. Mr. President, the explanation is simply this: First, the bill is limited to the Black Hills because there might be differences of opinion in other places. Its object is to do away with the fraudulent practice of acquiring forest land by filing mining claims when there is a show of color but the land is not real mining property.

The history of this matter in Black Hills is that about 95 per cent of the land that has been acquired under the mining laws is not mining land. This bill does not in any way interfere with prospecting or mining, but the surface remains with the Government. The Government will make such lease of the surface as is necessary to do the mining.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That hereafter mining locations made under the United States mining laws upon lands within the Black Hills and Harney National Forests shall confer on the locator no right to the surface of the land covered by the location other than the right to occupy, under the rules and regulations relating to the national forests, so much thereof as may be reasonably necessary to carry on prospecting and mining, and shall not authorize the taking of any resources other than the mineral deposits, or the occupancy of the land for any purpose other than prospecting and mining.

SEC. 2. That all patents issued hereafter under the United States mining laws affecting lands within the Black Hills and Harney National Forests shall convey title to the mineral deposits within the claim and the right, subject to rules and regulations governing such national forests, to occupy so much of the surface of the claim as may be required for extracting and removing the mineral deposits. Every such patent shall expressly reserve to the United States title to the surface of the land included in the claim or claims.

SEC. 3. That valid mining claims within the Black Hills or Harney National Forests existing on the date of enactment of this act, and thereafter maintained in compliance with the law under which they were initiated, may be perfected under this act, or under the law under which they were initiated, as the claimant may desire.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3001) to revise the boundary of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes, was announced as next in order.

Mr. WALSH of Montana. Mr. President, I have written for some information concerning the attitude of our people with respect to that bill, and I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

ETTA B. LEACH JOHNSON

The bill (H. R. 12995) for the relief of Etta B. Leach Johnson was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARENCE ULERY

The bill (H. R. 8341) to provide for appointing Clarence Ulery a warrant officer, United States Army, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORFEITURE OF PATENT RIGHTS

The bill (S. 2783) to provide for the forfeiture of patent rights in case of conviction under laws prohibiting monopoly was announced as next in order.

Mr. BRUCE. Mr. President, I should like to hear an explanation of that bill.

Mr. DILL. Mr. President, this bill as originally introduced provided for the forfeiture of patents when those holding them were found guilty of violating the Sherman law and the Clayton law. We held exhaustive hearings on the bill, and it appeared that its terms were too drastic; that it might involve the loss of millions of dollars on the part of those who had

invested money in the patents, and it was thought that that was not a fair measure.

The bill was, therefore, amended to provide that the patentee who brought a suit for infringement must come into court with clean hands. That is, if the person who was sued for infringement could show that the patentee was guilty of violating these laws in restraint of trade, the patent rights would be suspended until the person guilty of violating them had ceased the violation. In other words, until he reorganized his business the patent rights would be suspended.

Mr. BRUCE. I have no objection to the consideration of the bill.

Mr. REED of Pennsylvania. Mr. President, if we picture to ourselves just how that will work out in practice, it means that any complainant in a patent suit will have to be faced with the defense not only of noninfringement or invalidity of the patent but the accusation by the defendant that the complainant is a party to some sort of an antitrust agreement, some kind of a combination violating the monopoly laws.

If the complainant is guilty of that, of course, we have not much sympathy for him; but certainly we ought to be able to try a patent suit without having to try the collateral issue of guilt under the antitrust laws. It means two trials in every patent case.

I think the bill ought to go over.

The PRESIDING OFFICER. The bill will be passed over.

DAN A. MORRISON

The bill (H. R. 4589) for the relief of Dan A. Morrison was announced as next in order.

Mr. OVERMAN. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Dan A. Morrison, of Whitehall, Mont., out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, being in full reimbursement of and remuneration for all expenses incurred and services performed in all matters touching the discovery, exploration, and development of the cavern known as the Lewis and Clark Cavern National Monument, embracing lot 12 of section 17, township 1 north, range 2 west, Montana principal meridian, containing 160 acres of land, which said cavern was set aside by proclamation of the President of the United States on May 11, 1908, in conformity with an act of Congress approved June 8, 1906, entitled "An act for the preservation of American antiquities."

Mr. OVERMAN. May we have an explanation, Mr. President?

Mr. BRUCE. I would like to hear an explanation of that bill.

Mr. WALSH of Montana. Mr. President, near the junction of three rivers in the State of Montana, that river cutting through a great canyon with precipitous walls, this man Dan Morrison many years ago discovered a very remarkable cave. It is one of the great natural wonders of the country. He endeavored to secure title to it under the mining laws, and in his endeavor to do so it was disclosed that the property really belonged to the Northern Pacific Railroad Co. under its grant. The Northern Pacific Railroad Co., however, ceded all of its interest in the matter to the General Government, and the cave has now been made a national monument. But while Morrison was endeavoring to secure title to the land, assuming he could do so under the laws of the United States, he really opened up the cave, constructed approaches to it, and all that kind of thing, and now the Government has become the owner of all that property. Morrison spent, I think, about \$15,000 or \$20,000, and this provides for the appropriation of \$5,000 to reimburse him for what he has spent.

Mr. BRUCE. I have no objection, Mr. President.

Mr. ROBINSON of Arkansas. How is the amount arrived at?

Mr. WALSH of Montana. It is not arrived at in any way.

Mr. ROBINSON of Arkansas. It is just an arbitrary sum?

Mr. WALSH of Montana. He actually showed that he spent two or three times this amount.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASERS OF LOTS IN BOWDOIN, MONT.

The bill (H. R. 14925) to authorize repayment of certain excess amounts paid by purchasers of lots in the town site of

Bowdoin, Mont., and for other purposes, was announced as next in order.

Mr. FLETCHER. Mr. President, I ask the Senator from Montana to give us an idea of what this bill means. It would seem that certain people made purchases of land, and paid certain prices, and then afterwards there was a reappraisal, the land was valued at a lower price than formerly, and now they are to be refunded the amounts they paid over and above the reappraisal. I do not know exactly what principle is involved, but if people who purchase from the Government at any time in reservations lands at public sale, and pay a great deal higher price than the lands are worth, will they have the right to come to Congress to have the lands reappraised, and then be allowed the excess above the reappraisal price? I do not know how far we are going in that direction. It may be equity to do this, but if the principle is once adopted it may be that it ought to be applied in other cases. I know of a good many cases where purchasers of land in military reservations can not to-day obtain anything approaching the price they paid, and the lands are not worth what they paid. Would they have a right to come to the Government and ask to be reimbursed?

Mr. WALSH of Montana. Mr. President, the Senator from Florida has not inaccurately stated the nature of this proposed legislation. The town of Bowdoin was one of those towns of large expectations which were never realized. It is within the Milk River irrigation project, and at the time it was laid out it was expected that it would develop into a town of very considerable proportions. The lands in that section were estimated as of a very high value. On the Fort Peck Reservation, immediately adjacent to this, land was valued and sold to settlers, and the prices were so exorbitant that the settlers were unable to pay them and were about to abandon the land, when the court authorized the reappraisal of the land and they were permitted to pay at the reappraised price.

In the case of these town lots at Bowdoin exactly the same situation arose. Enormous prices were bid for the lots, and the town never developed. The Congress provided for the reappraisal of the town lots and authorized payment to be made at the reappraised price; and that has been done. But the law expired by limitation at the close of the fiscal year 1927, and some of the purchasers of the lots, not learning of the act, did not come in under its provisions.

Mr. McKELLAR. This is just to extend the time?

Mr. WALSH of Montana. It would just extend legislation already in existence.

Mr. FLETCHER. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATENT TO BOZEMAN, MONT., OF PUBLIC LAND

The bill (S. 5014) authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 7, after the word "acre" and before the period, to insert a comma and the words "subject to valid existing rights: *Provided*, That there shall be reserved to the United States all oil, coal, or other mineral deposits, and the right to prospect for, mine, and remove the same under such rules, regulations, and conditions as the Secretary of the Interior shall prescribe," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to issue to the city of Bozeman, Mont., a patent in fee to lots 9, 10, 11, and 12, section 21, township 1 south, range 6 east, Montana principal meridian, upon payment therefor by the city at the rate of \$1.25 an acre subject to valid existing rights: *Provided*, That there shall be reserved to the United States all oil, coal, or other mineral deposits, and the right to prospect for, mine, and remove the same under such rules, regulations, and conditions as the Secretary of the Interior shall prescribe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HERMAN O. KRUSCHKE

The bill (S. 575) for the relief of Herman O. Kruschke, was announced as next in order. The bill had been reported from the Committee on Military Affairs adversely.

Mr. JONES. Mr. President, I do not desire to have the Senate act on this measure. I ask that it may go over under Rule IX.

The PRESIDING OFFICER. The bill will be passed over, under Rule IX.

JOHN JAKES

The bill (H. R. 2482) for the relief of John Jakes was announced as next in order. The bill had been reported from the Committee on Military Affairs adversely.

Mr. REED of Pennsylvania. Mr. President, I move the indefinite postponement of this bill.

The motion was agreed to, and the bill was indefinitely postponed.

SEIZURES UNDER THE ESPIONAGE ACT

The bill (S. 5181) to amend section 4 of the act of June 15, 1917 (40 Stat. 224; sec. 241, title 22, U. S. Code), was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 4 of Title VI of the act of June 15, 1917, chapter 30, entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes" (sec. 241, title 22, U. S. C.), be, and it is hereby, amended to read as follows:

"Sec. 4. Whenever the person making any seizure under this title (secs. 238 to 245, inclusive, of ch. 5, title 22, U. S. C.) applies for and obtains a warrant for the detention of the property, and (a) upon the hearing and determination of the petition of the owner or claimant restoration is denied, or (b) the owner or claimant fails to file a petition for restoration within 30 days after the seizure, the United States attorney for the district wherein it was seized, upon direction of the Attorney General, shall institute libel proceedings in the United States district court or the district court of the Canal Zone or the court of first instance of the Philippine Islands having jurisdiction over the place wherein the seizure was made, against the property for condemnation; and if, after trial and hearing of the issues involved, the property is condemned, it shall be disposed of by sale, and the proceeds thereof, less the legal costs and charges, paid into the Treasury: *Provided*, That the court shall order any arms and munitions of war so condemned delivered to the War Department of the United States."

Mr. McKELLAR. Let us have an explanation of the bill.

Mr. WATERMAN. Mr. President, this bill is merely an amendment to section 4 of an act "to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States," by adding to the existing law the following provision, that wherever property is taken in the shape of arms or munitions of war and condemned, the proviso which it is proposed to attach to the bill will take effect and be as follows:

Provided, That the court shall order any arms and munitions of war so condemned delivered to the War Department of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SERVICE UPON JURORS BY REGISTERED MAIL

The bill (H. R. 14150) to amend section 279 of the Judicial Code was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. What is the purpose and effect of this bill?

Mr. WATERMAN. The purpose of it is to direct the marshal, wherever a juror to be summoned lives outside of the place where the court is to be held, to send him a registered letter and get a receipt, and that is a substituted service this amendment provides. That is all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATURALIZATION LAWS

The bill (H. R. 349) to supplement the naturalization laws, and for other purposes, was announced as next in order.

Mr. HEFLIN. Let that go over.

Mr. COPELAND. Mr. President, if the Senator will withhold his objection, I would like to make a statement. This bill has received the very serious attention of the Committee on Immigration and received the unanimous approval of that committee. It does not contemplate the admission of any person to the United States who is not now here, and it has no bearing at all upon the deportation of any person, because under the law nobody can be deported after having been here five

years, and this would take effect five years after the application of the law of 1924.

It would permit the naturalization of worthy persons who were in the United States at the time of the passage of the restriction law of July 1, 1924. They may appear before the proper naturalization authorities, where it is to be determined that they have been here continuously, that they are persons of good moral character, and are not subject to deportation. The other parts of the bill are administrative, very much desired by the naturalization authorities, and I trust that the bill may be given immediate consideration because of its importance.

We have a great many persons in the United States like this case, for instance, of a young woman who came as an infant in arms from Scotland to Canada. As a very young child she came to the United States. Her parents died when she was an infant. She has no knowledge of when she came or where she entered the United States, and, under our laws, could not be deported, but she can never be a citizen unless relief of this sort is had.

Mr. ROBINSON of Arkansas. What is the approximate number of persons who would be affected by the legislation?

Mr. COPELAND. I wonder if the Senator from Pennsylvania could answer the question as to the approximate number of persons who would be affected.

Mr. REED of Pennsylvania. Mr. President, I have never heard that it was undertaken to give an estimate. I do not think anybody knows. This, in effect, would grant amnesty to those persons of good moral character who came here prior to the adoption of the present immigration law. At present, unless they can show that they entered in accordance with all the formalities, they can never be naturalized, and they can never get a reentry permit so that they can take a trip abroad. Practically, this is a statute of limitations. It does not condone any violation of the present immigration law whatever.

The PRESIDING OFFICER. Is the objection withdrawn?

Mr. HEFLIN. Mr. President, I would like to have a chance to look into this bill very thoroughly.

The PRESIDING OFFICER. Objection is made.

Mr. COPELAND. Mr. President, will not the Senator yield just for a moment? The senior Senator from Georgia [Mr. HARRIS] was a member of the subcommittee and served with us in the consideration of this bill.

The PRESIDING OFFICER. Several objections have been made to the unanimous-consent consideration of the bill and it will go over.

Mr. COPELAND. I will speak on the next bill then.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. COPELAND. I think the Senator from Alabama will agree that the bill is a very just one. It is a bad thing for us to have persons in the country year after year who are not eligible to our citizenship. The bill requires that every evidence of good moral character must be presented, as well as desirability for citizenship, and it certainly would tend to the promotion of the welfare of the country, in my judgment. I hope the Senator from Alabama will not persist in his objection.

Mr. BLAINE. Mr. President, will the Senator yield for a question?

Mr. COPELAND. Of course.

Mr. BLAINE. I would like to inquire of the Senator if a situation I would like to describe would be taken care of. For instance, along in 1910 or 1912 a great many farmers living in the Northwest States, Wisconsin, Minnesota, the Dakotas, perhaps Kansas and Nebraska—States along the northern boundary—were induced to go to Canada by the representation that they could get cheap land there. In order to file an entry upon the land they made a declaration of their intention to become citizens of Canada, but never completed their so-called applications for citizenship. They then became disappointed and afterwards returned to the United States. There was no place of entry, there was no one to visa their return, they purchased railroad tickets and came back home, or they might have come by automobile. At any rate, there is no way by which they can prove the place or time of their reentry.

Mr. COPELAND. They would be taken care of by this bill.

Mr. BLAINE. Would the bill take care of them?

Mr. COPELAND. It would. If they were here on the 1st of July, 1924, and are persons of good moral character, they would be permitted to receive citizenship in this country in due time.

Mr. BLAINE. I thank the Senator.

CONSTRUCTION OF CRUISERS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 11526, to authorize the construction of certain naval vessels, and for other purposes.

AMENDMENT OF TRADING WITH THE ENEMY ACT

Mr. SMOOT. Mr. President, I have been instructed by the Finance Committee to report back favorably, without amendment, the bill (S. 5452) to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian.

It is a unanimous report from the committee. The bill must be passed by the House and become a law before March 10 next, or else the German claimants, and there are some 4,300 of them coming under the trading with the enemy act, will be entirely deprived of any right to the funds held now by the trustee, and if they do not get the funds they will go right back to the German Government.

Mr. McKELLAR. Mr. President, may we have the bill read?

Mr. HALE. Mr. President, may I ask the Senator from Utah if the bill will lead to any debate?

Mr. SMOOT. If it leads to any discussion at all I shall not ask for its present consideration. I only wanted to tell the Senate the importance of its passage and of getting it to the House so that it may be passed there.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That subsection (d) of section 25 of the trading with the enemy act, as amended, is hereby amended by striking out the term "one year" in clause (1) of said subsection and inserting in lieu thereof the term "two years."

Mr. McKELLAR. Mr. President, does that mean two additional years or only one additional year?

Mr. SMOOT. Just one additional year.

Mr. McKELLAR. Very well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN TRUST ESTATES

Mr. PINE. Mr. President, on April 27, 1928, the Senate passed the bill (S. 4222) to authorize the creation of Indian trust estates, and for other purposes. The bill has not yet been acted on by the House of Representatives. It refers only to Indians in the State of Oklahoma. I ask unanimous consent to recall the bill and have it referred back to the Committee on Indian Affairs.

The PRESIDING OFFICER. By unanimous consent the Senator may enter his motion to reconsider the votes by which the bill was read the third time and passed, and then may ask that the House be requested to return the bill to the Senate.

Mr. PINE. I ask that the House be requested to return the bill and that it be referred back to the Committee on Indian Affairs.

Mr. SMOOT. Mr. President, may I ask the Senator from Oklahoma when the bill was passed?

The PRESIDING OFFICER. The only motion in order is that the Senate shall request the House to return the bill.

Mr. SMOOT. I wondered whether the time had expired within which that might be done.

The PRESIDING OFFICER. The time for a reconsideration has expired long since.

Mr. SMOOT. I have no objection to the course proposed if it can be done.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent that the House be requested to return Senate bill 4222. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. NYE obtained the floor.

Mr. HALE. Mr. President, I would like to ask the Senator whether he is going to address the Senate on the subject matter of the bill which is the unfinished business?

Mr. NYE. Not directly.

Mr. HALE. I hope the Senator will not prevent us from getting some action on the bill this afternoon.

Mr. NYE. For the information of the Senator I will say that what I have to present in this connection will not require

over 15 or 20 minutes and concerns a matter which I think deserves the attention of the Senate.

Mr. HALE. The Senator, of course, has a right to talk on whatever subject he sees fit.

Mr. BROOKHART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Shipstead
Barkley	Fletcher	McNary	Shortridge
Bayard	Frazier	Mayfield	Simmons
Bingham	George	Metcalf	Smith
Black	Gerry	Neely	Smoot
Blaine	Gillett	Norbeck	Stelwer
Blease	Glass	Norris	Stephens
Borah	Glenn	Nye	Swanson
Bratton	Gould	Oddie	Thomas, Idaho
Brookhart	Greene	Overman	Trammell
Bruce	Hale	Phipps	Tydings
Burton	Harris	Pine	Tyson
Capper	Hawes	Pittman	Vandenberg
Copeland	Hayden	Ransdell	Wagner
Couzens	Heflin	Reed, Mo.	Walsh, Mont.
Curtis	Johnson	Reed, Pa.	Warren
Dale	Jones	Robinson, Ark.	Waterman
Deneen	Kendrick	Sackett	Watson
Dill	Keyes	Schall	Wheeler
Edge	McKellar	Sheppard	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent on account of illness. I ask that this announcement may stand for the day.

Mr. GERRY. I wish to announce the necessary absence of the junior Senator from Utah [Mr. KING] because of illness. I will let this announcement stand for the day.

The PRESIDING OFFICER (Mr. GLENN in the chair). Seventy-nine Senators having answered to their names, a quorum is present.

COL. ROBERT W. STEWART

Mr. NYE. Mr. President, I have no desire to break into these hours, set aside for exclusive consideration of H. R. 11526, the bill for the relief of the shipbuilders, but the papers of yesterday brought out a subject which is deserving of at least the few moments I shall devote to it at this time.

I am not a stockholder in the Standard Oil Co. I have no notion of aiding either the bulls or the bears who are interested in the stocks of that company at this particular time. I am without relationship to either Mr. Rockefeller or Mr. Stewart, and am not inviting any job as referee of the most interesting conflict in which these business kings are engaged at this time. To cause my remarks to be entitled to consideration in connection with the present Senate debate, I may suggest that the war now being fought between these men is in all probability going to be finished before any of the proposed new cruisers can be completed, just as I believe all commercial and industrial wars—and what wars have not been just that—can be fought and ended without the aid of the investment of billions in cruisers.

What I wish here to say is occasioned by stories which the press has carried with relation to the Rockefeller effort to oust from his commanding position in the Standard Oil organization one Robert Stewart, who defied the Senate, misled the Senate, lied to the Senate, and then proceeded to explain, successfully, his record to the satisfaction of District of Columbia juries, an accomplishment, be it noted, not monopolized by Stewart alone. Indeed, Stewart had the benefit of the experiences of brother dealers in oil and Liberty loan bonds, like Harry F. Sinclair and Albert B. Fall, with these juries.

Not often are business battles accorded such liberal publicity as is now being accorded the Rockefeller-Stewart tilt. Watching it from day to day, my conviction grows that if Mr. Stewart's press agents remain at their game long enough we will yet gain that desired complete story of the Continental Trading Co. and its affairs. In all the opportunities afforded him by the Senate Committee on Public Lands to tell this full story, he has never volunteered a small part of the information he was willing to give to the press yesterday. However, he is still insisting that—and here I quote him from his statement of yesterday—he "never had any connection with the Continental Trading Co." Apparently his receiving three-quarters of a million dollars in Liberty bonds from the pool of profits of this company is not, in his mind, to be considered a "connection."

Colonel Stewart says he "never"—and I quote his press release verbatim—he "never personally made a dollar out of the transaction," meaning, of course, the Continental Trading

transaction, which delivered into his own hands this great total of Liberty bonds.

But to me the most interesting feature of Colonel Stewart's latest press release is the revelation of how his share of the millions of dollars in profits of the Continental Trading Co. transaction "were partly the source from which the steady stream of cash dividends has been paid to the stockholders of the Indiana company every quarter during recent years."

Then he goes on to tell how the Liberty bonds he received from the Continental Trading Co. were turned into a trust, which he created with a pencil and paper, but he fails to tell how his trustee never "trusted"—I create, I believe, a new word—and how the bonds stayed in his continuous possession even under the Stewart-created trust.

But the main point in Mr. Stewart's press contention for the continued favor of Standard Oil stockholders is this—that had it not been for his little affair with the shady Continental Trading Co. and the like there would have been no dividend checks for Standard Oil stockholders.

How proud Standard Oil stockholders must be in this assurance from their giant leader, Colonel Stewart! How they must prize the shares which bring them profits through such secret, obnoxious deals as was that one involving the Continental Trading Co., which company Stewart knew enough about to permit him to guarantee that company's end of a \$50,000,000 contract! Standard Oil stockholders must hold their heads high when they realize that their profits came from such deals!

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. NYE. I yield.

Mr. BORAH. As I understand Colonel Stewart's statement, it is that where profits were derived from this transaction it went to the stockholders?

Mr. NYE. That is my understanding.

Mr. BORAH. Is not Mr. Rockefeller one of the stockholders?

Mr. NYE. Mr. Rockefeller is one of the stockholders.

Mr. BORAH. If Colonel Stewart be correct, the benefit of this transaction accrued to Mr. Rockefeller and others and not to himself.

Mr. NYE. To Mr. Rockefeller and all other stockholders of the Standard Oil Co. of Indiana.

Mr. BORAH. Has there been any movement, so far as the Senator is aware, on the part of the stockholders themselves to turn this money back?

Mr. NYE. I know of none.

Mr. BROOKHART. Mr. President, has there been any movement on the part of the stockholders to find out what was the purpose of those profits, how they came about, and what they were for originally?

Mr. NYE. I think Mr. Rockefeller and other leading stockholders of the Standard Oil Co. of Indiana have endeavored in their own way to convey to the stockholders the relationship which existed, very much to the embarrassment of the Standard Oil Co.

Mr. BROOKHART. Mr. Rockefeller appeared before the committee, I believe, and condemned the transaction; but I mean, what investigation have they made, as the committee did, to solve that mystery.

Mr. NYE. Of course, the investigations conducted by the committee have been made available to stockholders such as desired the information.

Mr. BROOKHART. Does the committee know as yet what was the real purpose of that transaction?

Mr. NYE. I am afraid I shall have to confess that the committee is still wanting information concerning the Continental Trading Co. transaction before it can definitely determine what the purpose of it was.

Mr. BROOKHART. Of course, the committee was hampered by refusals to testify and by court decisions against the committee, was it not?

Mr. NYE. It was.

Mr. BROOKHART. Has the committee made its final report? Has it finished its investigation?

Mr. NYE. In so far as the Continental Trading Co. is concerned, I think the committee has finished, unless new developments should arise which would give us further opportunity to extend our inquiry.

Mr. BROOKHART. Really, then, the investigation had to be abandoned without fully and finally solving the question?

Mr. NYE. According to present appearances, that will be the unfortunate circumstance; yes.

Mr. BROOKHART. It seems to me that is a regrettable condition in which to leave the whole question.

Mr. NYE. Mr. President, abandoning all semblance of sarcasm, to believe that Standard Oil stockholders are proud of what Stewart now tells them has for years been the source of their dividend checks is to insult the intelligence of the great majority of these stockholders. No wonder there is keen desire to be rid of the official influence of Stewart in Standard Oil. No wonder Mr. Rockefeller holds his nose and urges the removal of that which creates the stench.

Mr. President, let the true record of these Stewart deals be kept clearly in mind, lest we awake to find Stewart as successful with the public as he has been successful with District of Columbia juries.

Col. Robert W. Stewart was tried twice during the year 1928 in the Supreme Court of the District of Columbia, the first indictment being for contempt occasioned by refusing to answer certain material questions propounded by the Public Lands Committee of the United States Senate on the occasion of his appearance there as a witness on February 2 and 3, 1928; on the second occasion for perjury growing out of charges that he willfully testified in an untruthful manner on February 2 and 3, 1928, in stating that he had never received or never had had any knowledge of certain Liberty loan bonds the Continental Trading Co. of Canada is known to have dealt it.

In the contempt case the charge that he had willfully refused to answer certain questions was borne out by sworn testimony, including that of Senators, and finally and most conclusively by the petition of habeas corpus signed and sworn to by Colonel Stewart himself, in which petition he admitted a great part of what the indictment charged.

The second trial, beginning on November 12, 1928, on a charge of perjury, developed from Senators, from newspaper men in attendance at the hearings, and in part from the same petition of habeas corpus signed and sworn to by Col. Robert W. Stewart, that on February 2 and 3 he had testified that he never received any of the Continental bonds nor had he any knowledge concerning them. The testimony further revealed at the time Colonel Stewart so testified in February that there were in the vault of his office in Chicago Liberty bonds in the amount of \$759,000, plus accumulated interest, that had been given Colonel Stewart on various occasions by H. M. Osler, of Toronto, one of the founders of the Continental Trading Co.

The testimony further included a statement on the part of Roy J. Barnett, tax commissioner of the Standard Oil Co. of Indiana, that in 1921 he, Barnett, was made a trustee for these bonds by virtue of a declaration of trust written by Stewart in his own handwriting at that time. Although under this declaration of trust Barnett was responsible for these bonds, they remained in the safe or vault in Stewart's office until shortly before the second appearance of Stewart in April before the Senate committee.

Stewart was acquitted in both cases.

Within the last few days there has appeared in the public press a statement signed by the jurors in the perjury case to the effect that Stewart was acquitted not because of any technicality or because of the alleged lack of quorum of the committee meeting in question but because it was felt that on the facts Stewart was not guilty.

This response by members of a jury is not usual. The Senate might with some degree of propriety and dignity instigate an inquiry into the occasion for continued service by a jury even after it has been discharged. This practice may be found to be only another District of Columbia jury peculiarity.

However, there is no disposition on anyone's part to impugn the motives or the judgment of the jury. In so far as any question of criminal culpability growing out of all this testimony may be concerned, the courts have decided that Stewart need have no apprehension along that line.

However, this statement on the part of the jury to the effect that Stewart was not guilty on the facts, while conclusive as to the courts, is not necessarily so with regard to the people or to this body. And, lest it be thought that the committee of the Senate of the United States or a Senator of the United States might have been guilty of bad faith in causing the matters complained of in the indictments to be transmitted by this body to the courts for appropriate action, it is essential that the Senate be now reminded of the facts on which these prosecutions were predicated.

In the presence of a considerable number of the committee, of shorthand reporters, of newspaper men, and of interested auditors, Stewart refused point blank to answer certain questions propounded by this committee. These questions were held by the courts to be material. A District of Columbia jury

said he is not guilty, and that ends that aspect of the situation. However, it does not obviate the fact that he did adopt a most contumacious attitude before the Senate committee. There can be no question but that he refused to answer these questions. But a jury found him not guilty.

Before the same Senate committee Stewart said he had no knowledge or information with regard to these Continental Trading Co. bonds, and further said that he never had received any of them. It was shown that at the time he made these statements three-quarters of a million dollars' worth of these self-same bonds were reposing in the vault in his office in Chicago; and, still further, Stewart testified that he had received these bonds in his own hands from the hands of Osler, the dark-horse official of the dark-horse Continental Trading Co. But a District of Columbia jury said he was not guilty of perjury, and that ends that.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. NYE. I yield.

Mr. BROOKHART. I did not notice the publication of the jury's statement. Was it a formal statement published in the newspapers explaining their verdict?

Mr. NYE. It was; and endeavoring to show that the acquittal of Mr. Stewart and the failure of the jury to find him guilty was not determined upon any technical ground at all, but that, in a general way, they did not consider that Mr. Stewart was guilty in any respect as charged.

Mr. BROOKHART. What was the occasion for the jury coming forward with that kind of an explanation?

Mr. NYE. I should hardly desire to draw any conclusion on that point.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. NYE. I yield.

Mr. NORRIS. I should like to ask the Senator from North Dakota if it is not fair to presume that the occasion of issuing the statement by the jury was to help Colonel Stewart to secure control of the stockholders and get the proxies which would be necessary to reelect him to his present position?

Mr. NYE. In the face of the circumstances that we encounter from day to day, I think that is altogether a fair presumption, indeed.

Mr. BROOKHART. Then it would indicate that the jury had been approached and solicited to make this statement?

Mr. NYE. It would.

Mr. BROOKHART. I have noticed in Iowa newspapers full page advertisements from certain stockholders of the Standard Oil Co. of Indiana setting forth in bold, black type, "Colonel Stewart stood by us; let us stand by Colonel Stewart." I saw such advertisements in the Des Moines Register, the largest newspaper in the State. That would indicate that a good deal of money was being spent to spread this idea, and that some of the stockholders at least were sustaining Stewart in his method of obtaining these profits.

Mr. NYE. Yes; the Senator is right. On the other hand, what a certain few stockholders may do ought not to be made to stand as the principle of all stockholders in the Standard Oil Co., for we well know that there are those who are taking just the other side in this controversy and are making the fight to clean up their own organization.

Mr. BROOKHART. Mr. President, the Senator from Kentucky [Mr. SACKETT] asks who was spending the money. The advertisement that I read stated that the stockholders themselves were spending it.

Mr. NYE. The individual stockholders?

Mr. BROOKHART. Yes. Of course, I do not know myself.

Mr. FESS. Mr. President, do the farmers of Iowa own Standard Oil stock?

Mr. BROOKHART. I have not heard of any farmer owning any stock anywhere except in some little banks out in our State that failed.

Mr. NYE. Mr. President, going back to the argument I was making, it does not abate one whit the fact that Stewart willfully and deliberately sought to mislead this committee. The explanation offered by Stewart while on trial, that in fact he never had received any of these bonds because he had drawn a declaration of trust in favor of certain oil companies, it seems was accepted by the jury.

These facts are offered, not in dissent from any action taken by either courts or jury, but for the purpose of reminding the Senate of the true character of the statements of Stewart,

which, in the first place, impelled this body to invoke the action of the courts, and for a further purpose, I will admit, of refreshing the memories of those who are about to indicate their approval or disapproval of the Stewart type of business man who in self-defense casts a robe of righteousness about those acts which are of a most detestable type.

Speaking only as a member of the Public Lands Committee, and not necessarily for the committee, I desire to say that the extensive inquiries which have been conducted into the oil scandals ought to have won returns of more than one nature. They should serve and do serve to cause departments of Government to proceed with greater care and caution in matters involving leasing of the public domain. They have served, too, to restore vast resources to the Government, resources worth billions, in addition to the direct money returns to the Treasury. But above all else the investigations ought to have created a determination in the circles of the oil people of the land to cleanse the industry of agents and officials who by their methods bring the entire industry into bad repute.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. NYE. I yield.

Mr. NORRIS. I have on my desk a letter that I have received from one of the stockholders of the Standard Oil Co. of Indiana, and I think, in connection with the question propounded by the Senator from Iowa a while ago as to the object of circulating this statement by the jury, it is very pat.

As we all know, and as the Senator has so well described, there is now going on a contest over the reelection of Colonel Stewart as chairman of the board of directors of the Standard Oil Co. of Indiana. The advertisement to which the Senator refers, published in Iowa by some of the stockholders, would indicate that some of these stockholders favor the reelection of Colonel Stewart to that place, because they, as stockholders, got the benefit of the illegal and fraudulent scheme in which he and the Continental Trading Co. were engaged, by which they made several millions of dollars.

Judging from this letter, the contest going on between Mr. Rockefeller and Colonel Stewart has been, on the part at least of Colonel Stewart, rather out of the ordinary; and, with the permission of the Senator, I should like to read a portion of the letter. I should be glad to read it all were it not for the fact that this man is now an employee of the Standard Oil Co. of Indiana, and, of course, I do not want to identify him or get him into any difficulty.

Mr. NYE. If the Senator will permit me, I might suggest that numerous such letters have come to my desk from stockholders and employees of the Standard Oil Co.

Mr. NORRIS. I desire to read a portion of the letter. He says:

I am an employee of the Standard Oil Co. of Indiana; and, as you no doubt already know, Col. Robert Stewart, of the Standard Oil Co., and J. D. Rockefeller, jr., of the Standard Oil Co., are fighting among themselves as to who shall be the biggest duck in the puddle.

Most of the employees are stockholders in the Standard Oil Co. through their stock-purchasing plan; and Colonel Stewart is sending some of the bosses, and so forth, around to all stockholders with proxy votes to sign to retain Colonel Stewart as chairman of the board of directors; and these bosses or representatives are using some tactics in getting signers that do not appeal to me. They stand by and argue for Stewart, and want you to sign on the dotted line.

Usually we get our proxy votes by mail, which is just and proper, and it is nobody's business how a man votes, or if he votes at all. J. D. Rockefeller, jr., is also sending proxy votes to each stockholder through the mail, which is just and proper.

If this is a fair indication, this contest is getting very exciting. There are several other things that this man says in this letter, referring to the methods by which they undertake to compel stockholders to "sign on the dotted line," as he says; but I can not read them without identifying the man who writes the letter, and therefore I will not read further.

Mr. HEFLIN. Mr. President, I should like to say to the Senator from Nebraska that those who have supported Mr. Stewart perhaps want to impress upon those who own stock generally that he is the best man to have charge because he has defied the Government. He withheld important testimony from the Government when he was asked for it. The Senate ordered him to give that testimony. He defied the Senate, stood in contempt of the Senate, and then, by tampering with the jury in the District of Columbia, he was acquitted. Perhaps he feels now that he is the man to put at the head of this concern

because he can do as he pleases, and the Government can not touch him.

Mr. NYE. It rather looks to me as though some of these stockholders want him elected because he gave them the benefit of the stealing.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

The PRESIDING OFFICER. The question is on the committee amendment.

Mr. HALE, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Shipstead
Barkley	Fletcher	McNary	Shortridge
Bayard	Frazier	Mayfield	Simmons
Bingham	George	Metcalf	Smith
Black	Gerry	Neely	Smoot
Blaine	Gillett	Norbeck	Steiwer
Please	Glass	Norris	Stephens
Borah	Glenn	Nye	Swanson
Bratton	Gould	Oddie	Thomas, Idaho
Brookhart	Greene	Overman	Trammell
Bruce	Hale	Phipps	Tydings
Burton	Harris	Pine	Tyson
Capper	Hawes	Pittman	Vandenberg
Copeland	Hayden	Ransdell	Wagner
Couzens	Heflin	Reed, Mo.	Walsh, Mont.
Curtis	Johnson	Reed, Pa.	Warren
Dale	Jones	Robinson, Ark.	Waterman
Deneen	Kendrick	Sackett	Watson
Dill	Keyes	Schall	Wheeler
Edge	McKellar	Sheppard	

Mr. NORRIS. I desire to announce the absence of my colleague [Mr. HOWELL] on account of illness.

The PRESIDING OFFICER. Seventy-nine Senators having answered to their names, a quorum is present.

Mr. BINGHAM. Mr. President, I desire to offer an amendment in the nature of a substitute for the pending committee amendment. I will give in just a word an explanation of what this amendment would do, and Senators will understand it when I say that it is a substitute for the Dallinger amendment.

My amendment would put in the bill, in lieu of the Dallinger amendment and the committee amendment, the language which has for a number of years past—some four or five years—been found in the annual appropriation bills as passed by the Congress for the Navy Department. Under that language the Secretary of the Navy has, within the past few years, provided that three of the eight cruisers recently built or building be built in Government yards, and five in private yards. The amendment would require the Secretary to build cruisers in Government yards unless he is convinced that they can be built at decidedly greater advantage to the public in private yards.

The Dallinger amendment requires 8 of the 15 cruisers to be built in Government yards, no matter how much more it may cost the taxpayers of the United States. This amendment which I have offered would prevent extravagant sums being asked for the building of naval vessels, and it provides that they shall be built in navy yards whenever such building would not involve an appreciable increase in their cost.

This has been our recent practice and has worked to the benefit of the taxpayer and the private builder.

It has kept the private contractor from charging exorbitant amounts, and has, at the same time, given the navy yards enough work to keep them busy.

The language which it is proposed to strike out would require the building of eight cruisers in Government yards without regard to their higher cost or to the needs or facilities of the navy yards.

It is important that the decision should be left to the Secretary of the Navy, because the private shipyards and the navy yards are assets of equal national importance, and because at the present time the private shipbuilding industry is seriously depressed. One private shipyard after the other is being closed, and out of 22 shipyards in operation early in 1916, before the United States entered the war, only 11 are now operating. The latest casualty is that of the Los Angeles Shipbuilding & Drydock Co.

The World War proved the importance of the private shipyard to the Nation, as practically all naval construction during the war period was in the private shipyards. The most important of this work was the construction of torpedo-boat destroyers and submarines.

It is well known that private shipyards can build naval vessels more quickly and at a lower cost than can the navy yards. But this will not be true if the navy yards are forced to build a larger number of these cruisers than in the judgment of the Secretary of the Navy will be advantageous to the taxpayers. If the bill goes through in its present form, the navy yards will virtually be obliged to take away from the private yards their present staffs unless the private yards increase their labor costs and the cost of the ships to a point where they can hold their staffs against the competition offered by more attractive conditions in Government navy yards.

Under present arrangements the private shipyards are barely able to keep going. Shipbuilders are in keen competition with the navy yards, and the selection of the builder remains under the discretion of the Secretary of the Navy. It is to continue this practice, which has worked well for Government and for the private shipyards, that the present amendment is offered.

Mr. ODDIE obtained the floor.

Mr. BROOKHART and Mr. MCKELLAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nevada yield; and if so, to whom?

Mr. BROOKHART. I would like to ask the Senator from Connecticut a question.

Mr. ODDIE. I yield.

Mr. BROOKHART. The theory of the Senator's amendment is to encourage private shipbuilding companies, is it not?

Mr. BINGHAM. The theory of the amendment, which is offered in accordance with existing law, is to secure the building of the ships at the lowest possible cost to the taxpayers of the United States, without regard to where the ships are to be built, because it provides that the Secretary of the Navy shall build them in Government shipyards unless they can be built cheaper elsewhere.

Mr. BROOKHART. I want to ask the Senator if he believes in the theory of war profiteering, believes that is a sound policy on which to act, or is he in favor of preventing war profiteering?

Mr. BINGHAM. The Senator's question answers itself. I never heard of anyone being in favor of profiteering.

Mr. BROOKHART. Then why should we not oppose profiteering in preparing for war?

Mr. BINGHAM. That is exactly what this amendment would prevent. Under the bill it is provided that private shipyards must build seven of the cruisers. Under my amendment the Secretary of the Navy must build all the cruisers unless the private shipyards can do it cheaper than the Government can.

Mr. BROOKHART. If the private shipyards build them, they build them at a profit, and they build them because they make a profit. If the Government yards build them, they can make no profit. The Government desires to build them at cost. Suppose they do cost more in the Government yards. It stops profiteering. That is one of the most potent causes of war.

Mr. BINGHAM. It costs the taxpayer more, however.

Mr. MCKELLAR. Mr. President, will the Senator from Nevada yield to me to ask a question?

Mr. ODDIE. I yield.

Mr. MCKELLAR. Does the Senator's proposed amendment affect in any way the so-called Dallinger amendment, or does it apply solely to the amendment of the committee?

Mr. BINGHAM. It moves to strike out the whole Dallinger amendment and the amendment of the committee, and is a substitute for the committee amendment.

Mr. JOHNSON. Mr. President—

Mr. ODDIE. I yield.

Mr. JOHNSON. May I suggest to the Senator from Tennessee that the effect of the amendment offered by the Senator from Connecticut is to eliminate entirely the Dallinger amendment, and to put the construction of these cruisers in the discretion, in reality, of the Navy Department.

Mr. MCKELLAR. I am much obliged to the Senator from California. The amendment of the Senator from Connecticut was not read, and I did not know what it was. Of course, I am very much opposed to any such discretion being left with the Secretary of the Navy.

Mr. JOHNSON. Mr. President, may I suggest that experience has taught that, if that discretion be accorded, then there probably will be no construction of these cruisers in the yards where they ought to be constructed, the yards that are owned by the United States Government, maintained, conducted, and operated by the United States Government.

Mr. HALE. Mr. President, we are constructing now eight cruisers, and three of them are being constructed in Government yards.

Mr. JOHNSON. And five otherwise. It would be a very easy step to put one in a Government yard and seven otherwise, or eight all together.

Mr. HALE. Or eight all together in the Government yards.

Mr. JOHNSON. Oh, yes; or eight all together in the Government yards.

Mr. McKELLAR. But that is not going to be done.

Mr. JOHNSON. There is nothing to indicate that there will be eight built in the Government yards.

Mr. HALE. Three out of eight is a fair proportion.

Mr. JOHNSON. I quite disagree with the Senator about three out of eight being a fair proportion.

Mr. SWANSON. Mr. President, does the Senator from Maine consent to this amendment? As the chairman of the committee he was directed to stand by the Dallinger amendment.

Mr. HALE. I object very seriously to it.

Mr. SWANSON. The Senator is simply defending the amendment of the Senator from Connecticut, not accepting it.

Mr. HALE. I am not defending it in any way. I am defending the committee amendment, which we put in. We provided that half the cruisers should be built in Government yards, and that I stand for.

Mr. JOHNSON. Then there is no difference between the Senator from Maine and myself in regard to the matter.

Mr. McKELLAR. Yes; I think there is. I think unquestionably the Senator will be opposed to the committee amendment when he examines into the effect of it. The committee amendment virtually gives to the Secretary of the Navy discretion to build these ships where he likes, and merely makes of the Government yards assembling plants, and I am wholly unwilling to make those Government yards assembling plants.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. JOHNSON. Just a moment. I am speaking of the construction of the cruisers themselves and not referring to the subsequent amendment found in lines 12 to 14. That we will reach subsequently, or very shortly, in the debate; but under the Dallinger amendment, by which the chairman of the committee stands, the construction of the cruisers themselves is put eight in the Government yards for construction and the construction of seven subsequently to be determined.

Mr. HALE. That is correct.

Mr. NORRIS. Mr. President, I was interested in what was said about the real object of this substitute, namely, to save the taxpayers' money by building the ships in private yards. The Senator said nothing about the various navy yards that we have and which the taxpayers have to pay to keep up anyway, whether they build ships or not.

Mr. JOHNSON. That is a mere bagatelle, of course. I fear that I have occupied too much of the time of the Senator from Nevada on this subject.

Mr. ODDIE. I am glad to have the Senator speak.

Mr. JOHNSON. I shall subsequently speak further of this, because I have the figures from one navy yard at least, the Mare Island Navy Yard, which is situated in the State of California, showing that the construction there of ships, in comparison with the construction in private yards, has been infinitely cheaper, and that the saving has been extraordinarily great to the Government because of construction in the Government yards.

Mr. McKELLAR. I think the record so shows.

Mr. EDGE. Mr. President, will the Senator from Nevada yield to me to propound a question to the Senator from California?

Mr. ODDIE. I yield.

Mr. EDGE. If that be correct—and there is no question, of course, about its correctness if the Senator from California states it—would not the effect of the amendment proposed by the Senator from Connecticut be to compel the Secretary of the Navy to give the Mare Island yard a contract for a ship?

Mr. JOHNSON. Perhaps, and perhaps not. I assume from the question that the Senator from New Jersey is in favor of the amendment of the Senator from Connecticut.

Mr. EDGE. I am.

Mr. JOHNSON. And he would be in favor of it, because, like me, he is in favor of construction in the Government yard, I take it.

Mr. EDGE. If the Government bids and specifications demonstrate that they can construct the ships as cheaply as they can be constructed in private yards.

Mr. JOHNSON. My position is that I want to take no chances on where the construction will be, and with the knowl-

edge I have of the cheapness of the construction in the Mare Island Navy Yard, at least, I want to see that the Government gets the benefit of that construction.

Mr. EDGE. Mr. President, if I understand the amendment of the Senator from Connecticut correctly—and I think I do—it makes it absolutely compulsory, does it not, on the Secretary of the Navy to award the contract to a Government yard if the ships could be built cheaper therein?

Mr. JOHNSON. Yes; I would like to make the computation, if we are going to select the yards, instead of leaving the computation to be made by somebody else. I realize how delicate a thing such a computation may be ultimately in awarding a contract of that sort, and I want to leave nothing of doubt to the future at all.

Mr. EDGE. I might suggest that in analyzing the estimates we must trust some one, and if we can not trust the head of one of the departments of the Government, together with the engineers and the others associated with him, I do not know just to what authority the Senator would prefer to refer such bids or specifications.

Mr. JOHNSON. The authority of the Congress that prescribes where they shall be built. That is the authority.

Mr. EDGE. In other words, the Senator—and I think I understand his position, and it is one taken by a great many others—simply wants an arbitrary provision that, irrespective of cost, irrespective of the conditions, the Secretary of the Navy shall be compelled to award a contract for so many ships, irrespective of price, to the navy yards, and the other number to private yards.

Mr. JOHNSON. The Senator may put it that broadly if he wishes.

Mr. EDGE. Is not that the exact situation?

Mr. JOHNSON. The result, however, would be a saving to the Nation, and that has been demonstrated in the past.

Mr. SWANSON. Mr. President, will the Senator from California yield?

Mr. JOHNSON. I am occupying the time of the Senator from Nevada.

Mr. ODDIE. I yield to the Senator from Virginia.

Mr. SWANSON. The committee of the Senate, after hearing all sides on the question, reached the conclusion that half of the ships ought to be constructed in Government navy yards and half in private yards, in order to keep them both running and busy, in order to keep both available in the country for business, as competitors. Now, an amendment is offered which would make it impossible to give the construction of any of these vessels to the navy yards.

A private yard can bid a specific sum for the construction of a cruiser, but a navy yard can only make an estimate, and if it underestimates then the Government pays the difference. The Navy Department is hired to reach a real definite conclusion on the estimates and to determine which is cheaper. In navy-yard construction all of the overhead is included which occurs there regardless of whether we build the ships or not. A great many supporters of the plan to build all ships in the navy yards say they are built more cheaply in the navy yards. The private yards say they are constructed more cheaply in the private yards. But here is the test. By means of the plan proposed, we will be able to determine which is the cheaper, because the Government yards will have constructed every other one of a number of vessels of the same character and kind, and at the same time and under the same conditions.

During the 20 years that I have been here there has been a debate on the matter of bookkeeping, on the theory that it costs the Government more money to build a vessel than it would to construct it in a private yard. The Government has employees who have been with it 20 or 25 years, who have built homes near the navy yards, and who will have to move away and find some other employment if work is not given the navy yards to keep them busy. Does any Senator mean to say that it is the policy of the Government in this day that we shall turn all our shipbuilding work over to the private yards and in effect tell these employees to scatter throughout the country at other employment and lose their homes near the Government navy yards?

We have in the State of Virginia one of the largest private yards in the United States and one of the best navy yards. I thought it just and fair to the Government yard and just and fair to the private yard to divide the work between them.

Mr. JOHNSON. Mr. President, will the Senator from Nevada yield to me to reply to the Senator from Virginia?

Mr. ODDIE. Certainly.

Mr. JOHNSON. The Senator from Virginia will recognize that it requires no wizardry of figures and that it requires no

stretch of the imagination to understand that if comparisons can be made under the circumstances detailed by the Senator, an individual who does not want to go to the Government yards for the construction of a cruiser can always take it into a private yard.

Mr. SWANSON. I think the time has come to make the test. Mr. JOHNSON. Let us make it.

Mr. SWANSON. I believe we will save money by doing it, because it will be a contest between the private yards and the navy yards to determine which can give us the best work for the most reasonable price.

Mr. SMITH. Mr. President, will the Senator from Nevada yield to me to ask the Senator from Virginia a question?

Mr. ODDIE. I yield.

Mr. SMITH. We have been building ships a long time. Have there been no figures made available to show by the average during all these years which is the best plan for the Government, which furnishes the cheapest and still the best work, whether the private yards or the Government yards?

Mr. SWANSON. It is claimed by the navy-yard advocates that the vessels constructed at the Norfolk Navy Yard were splendid pieces of work and at a great saving. It is a question of what expense will be distributed as overhead to the respective ships. If we distribute too much of the overhead, which the people who want to build in the navy yards say ought not to be distributed, then we make the ships cost more. If we distribute less, of course, they cost less. The question occurs as to the amount of overhead in the navy yards that is to be charged to the individual ships.

Mr. EDGE. Mr. President, will the Senator from Nevada yield?

Mr. ODDIE. I yield to the Senator from New Jersey.

Mr. EDGE. I would like to ask the Senator from Virginia a further question and then, I assure the Senator from Nevada, I shall not interrupt further. Under the amendment approved by the committee, as I understand it, it is then arbitrary that eight of the vessels go to private yards?

Mr. SWANSON. Yes; and then we have two aircraft carriers on which there is no limitation.

Mr. EDGE. In other words, the distribution is fixed?

Mr. SWANSON. Yes.

Mr. EDGE. I do not for a moment say that it will happen, but all these contingencies must be considered when we are establishing a policy. In that event, what is to prevent the private yards, realizing that under the terms of the bill they must be awarded a contract for eight ships, holding up their prices to whatever figure they choose?

Mr. SWANSON. The bill simply says that every other cruiser shall be built in the navy yards, and it is left discretionary as to the others, with permission to build in private yards unless they ask too great a price. The Government can reject any bid it sees fit.

Mr. EDGE. They have the power to reject bids?

Mr. SWANSON. They have the power to reject any bid.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. I have an amendment to the amendment of the committee. Will that come ahead of the substitute that is offered by the Senator from Connecticut?

The PRESIDING OFFICER. It will.

Mr. McKELLAR. I now offer my amendment and ask that it may be read—with the permission of the Senator from Nevada.

Mr. ODDIE. I yield for that purpose.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. Amend the committee amendment, on page 2, line 12, following the comma and after the words "United States," by striking out the remaining language and inserting in lieu thereof the following:

Except such incidental parts as can not be manufactured in such Government plants.

Mr. BROOKHART. Mr. President—

Mr. ODDIE. I yield to the Senator from Iowa.

Mr. BROOKHART. I would like to ask a question of the Senator from Virginia. With regard to overhead, is it not true there will be a large overhead expense in the navy yards even if they stand idle?

Mr. SWANSON. Some of them are standing idle, more or less, while some of them do a great deal of work. The Government-owned ships have to be overhauled there. It has been a very difficult question as to what overhead should be applied to the building of additional cruisers, and to each particular one. The Navy people who want to build them in the navy yards insist that they ought not to charge any of the overhead except

such as is occasioned from the fact that the cruisers have been assigned there to be built. Those who advocate the building of the cruisers in the private yards would like to charge a larger part of the entire overhead to the construction of the cruisers. It is a very difficult matter to determine what part of the overhead should be and should not be assigned to the construction of each cruiser.

Mr. BROOKHART. If all the ships were built in private yards there would still be a big overhead to-day in the navy yards?

Mr. SWANSON. To a large extent there would be some overhead there. The greatest dispute has mostly been in connection with the distribution of overhead.

Mr. HALE. Mr. President, will the Senator from Nevada yield to me to make a brief statement?

Mr. ODDIE. I yield.

Mr. HALE. I think perhaps it would be well for me to explain why the committee took the action it did take.

During the war a number of ways were constructed in the navy yards of the country capable of taking cruisers. There was 1 way in the Boston yard, 2 in the New York yard, 2 in the Philadelphia yard, 1 at Norfolk, 1 at Mare Island, and a ship dock, which is capable of taking two ships, at Puget Sound. On those ways substantially \$10,000,000 was expended. At the same time that those ways were built a very great amount of money was expended in the navy yards of the country to enable them to build ships and to put the yards in condition both to build and repair ships. These yards are now used almost exclusively for the repairing of the ships of the Navy. All of the repairing of the ships of the Navy is done in the navy yards. These yards, except in the case of the yard at Mare Island, the yard at Puget Sound, and the yard at New York, are not now being used for the construction of ships. The yards are well able to take care of the construction of ships such as the cruisers. The committee on looking over the matter decided that in their opinion it would be for the benefit of the country to have the ways put to use, and they felt that it would be economical to the country and useful to the organizations in the navy yards to do construction work as well as repair work.

The question has been asked as to whether it is more expensive or less expensive to build in the private yards or the navy yards. The committee held very extensive hearings on the matter and we were not able to determine definitely from the evidence that was given us whether a ship can be built more cheaply in a navy yard or in a private yard. From the hearings and the evidence that was given, we came to the conclusion that the cost is pretty nearly the same—that is, the actual cost to the Government. The cost of building a ship in the navy yards is made up of the material, the direct labor, the variable overhead, which depends on the actual work being done on the particular ship in question, and the fixed overhead, which goes on all the time.

In all probability if we take the direct labor and the material and the variable overhead, which are all items that come under the appropriation for increase of the Navy, the ships can be built slightly cheaper in the navy yards of the country. If, on the other hand, we add to that the fixed overhead which with the variable makes up the statistical charge for the entire ship, in all probability it would cost a little more. But the net charge to the Government is very nearly the same as far as the committee could ascertain.

On that account and believing that it would be for the best interests of the country that ships be built in the navy yards of the country, we were willing to accept the House amendment, the so-called Dallinger amendment, with certain modifications. This matter does not deal alone with the construction of the hulls and the machinery of the ships. It also deals with the armor and armament on the ships. Had we not amended the Dallinger amendment and had we left the House bill as it was, everything that is used in the construction of these ships, including armor and armament, would have had to be constructed in the navy yards of the country. There are certain things that are never constructed in the navy yards of the country and that could not be constructed in the navy yards with their present facilities.

Mr. TYDINGS. Mr. President, will the Senator yield so I may ask the Senator from Maine a question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Maryland?

Mr. ODDIE. I yield.

Mr. TYDINGS. I call the Senator's attention to the fact that without the amendment offered by the committee the fire-control apparatus, the range finders—

Mr. HALE. I am just going to speak of those matters if the Senator will give me a chance.

For instance, the fire-control instruments in use on the ships are instruments of very intricate construction. It would be absolutely impossible with the present facilities to manufacture them in the navy yards of the country. Certain parts of the fire-control instruments are now manufactured by the Government, but other parts are patented, and the Government has not the use of the patents. The Government also has not the facilities for the extremely fine work required in the manufacture of certain of these fire-control instruments. Fire-control, I may explain, has to do with the firing of the guns on the ships of the Navy. It is a very technical and scientific mechanism which it would be difficult to explain to the Senate, but this work can not now be done in the navy yards of the country.

Mr. TYDINGS. Mr. President, will the Senator from Maine yield to me?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the junior Senator from Maryland?

Mr. ODDIE. I yield.

Mr. WHEELER. I should like to ask the Senator a question.

The PRESIDING OFFICER. The Senator from Nevada has yielded to the junior Senator from Maryland.

Mr. TYDINGS. I should like to point out to the Senator from Maine that it was shown by the experts who appeared before our committee that even in some cases where the material could be manufactured in Government yards the price would be two or three times what the same article could be procured for from private concerns.

Mr. HALE. That is quite true.

Mr. TYDINGS. And it was not only the inability of the Government to handle the entire equipment but the item of saving which caused the committee to insert the particular language which is in the amendment.

Mr. HALE. And the Government can not construct these various instruments without an expenditure of a very great amount of money to provide for their manufacture. Nobody wants to see that done. What we want to see is a fair proposition that will save as much to the Government as possible.

Other things which are not made in Government navy yards include chronometers, watches, and certain auxiliary equipment; also the heavy deck and side plating for the ships.

Mr. WHEELER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Montana?

Mr. ODDIE. I yield.

Mr. WHEELER. Would it not be possible to have many of these articles made by private concerns and then taken over to the navy yards?

Mr. HALE. Certainly it would be possible, and that is what is done now. Where the Government itself can not manufacture articles it purchases them outside, and then reassembles them in the navy yards.

Mr. FRAZIER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. ODDIE. I yield.

Mr. FRAZIER. I want to ask if private yards make all of these different articles which the Senator from Maine has mentioned, such as chronometers?

Mr. HALE. No, Mr. President, they do not.

Mr. FRAZIER. Then what is the difference?

Mr. HALE. Private yards buy them, and that is what we want to be able to do in Government navy yards.

Mr. FRAZIER. Of course, the Government yards, I take it, would have to buy the things they do not themselves manufacture?

Mr. HALE. Precisely. That is what we want to arrange for in the amendment which is now being discussed. If the Dalling amendment were left in the bill unamended every article of equipment would have to be made in Government yards, and that we want to get away from.

Mr. FRAZIER. I do not see it in that way at all.

Mr. HALE. That is the purpose of the committee amendment.

Mr. McKELLAR. Why not permit the Government plants—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Tennessee?

Mr. HALE. Will the Senator permit me to conclude?

Mr. McKELLAR. I should like to ask a question right on that point. Why can not the Government plants which may be awarded the construction of any of these ships be authorized to

buy the necessary parts which the yards themselves do not manufacture? That would be the way to do it.

Mr. HALE. That is what the amendment which was inserted by the committee provides.

Mr. McKELLAR. No; the amendment provides for making the Government yards assembling plants.

Mr. HALE. That was not the intention of the committee.

Mr. McKELLAR. It may not have been the intention of the committee, but that is the effect of the language used.

Mr. HALE. I do not think that is the effect of the language.

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Virginia?

Mr. HALE. Mr. President, I should like to finish my statement in a connected manner.

I have referred to the question of armor and armament. We have in this country a large armor and forging plant at Charleston, W. Va. That plant was built to take care of the great ships that were provided for in the 1916 program. It is a Government plant, and it cost a great amount of money; about \$24,000,000 was expended on it. That plant can make armor of all kinds and can make gun forgings. It can not, however, complete the guns as there are no shrinkage pits which are used in connection with such work, and none have been provided for that plant. It can also make projectiles for use on the ships of the Navy.

Mr. McKELLAR. Would it cost much to equip the plant so that it could make the guns and the armor to which the Senator has referred?

Mr. HALE. It would cost a great deal to operate the plant to make guns, forgings, and projectiles. There will be no armor on the cruisers provided for by this bill; so that the Senate need not be concerned as to that feature.

Mr. McKELLAR. How about the forgings of which the Senator spoke?

Mr. HALE. To rehabilitate the plant so that it could operate would cost between \$225,000 and \$250,000. But, Mr. President, the plant is a tremendous one; the overhead expense of running it is absolutely prohibitive unless it is being operated at full force, and the work that will be done on these cruisers would not warrant the opening of the plant and spending the tremendous amount for overhead.

Mr. McKELLAR. What is it costing the Government to keep that plant in its present condition? Is there anything being done with it?

Mr. HALE. It is simply being kept up. I can give the Senator the figures, although I have not them at hand at the moment.

Mr. McKELLAR. Has the Senator any idea how much the cost of maintaining the plant now is?

Mr. HALE. My impression is that it costs about \$100,000 a year merely to keep it up.

Mr. McKELLAR. Are there many men employed there now?

Mr. HALE. No; merely a sufficient number to watch the buildings and keep them up.

Mr. McKELLAR. If the cost of using what that plant might manufacture is prohibitive, why should not the Government sell the plant and get rid of it; and also get rid of the enormous expense every year?

Mr. HALE. Because later on, when we are beginning to build battleships to take the place of those which will be replaced under the provisions of the Washington treaty, which grew out of the Conference on the Limitation of Armament, we shall need that plant.

Mr. McKELLAR. When will that be?

Mr. HALE. The Senator recalls the provisions of the Washington treaty. The first ship is to be laid down in 1931.

Mr. McKELLAR. The Washington Conference on Limitation of Armament ought to be remembered by everybody, because that was the greatest naval victory that Great Britain ever won in her history, and she has won many naval victories.

Mr. HALE. I will not undertake to argue that with the Senator.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. The Senator from Nevada [Mr. Oddie] has the floor.

Mr. HALE. If the Senator from Nevada will permit me, I simply wish to say that we have to protect the Government; that in order to protect the Government we can not take the House bill as it came over to us, and the committee, in order to take care of the situation, added the following words to the provisions of the bill:

Except such material or parts thereof as the Secretary of the Navy may find procurable by contract or purchase at an appreciable saving in cost to the Government.

The Senator from Tennessee objects to that, as he thinks, it will make the Government yards simply assembling plants. That was not, I say, the intention of the committee in any way.

Mr. McKELLAR. Whether or not it was the intention of the committee—that, in my judgment, is the result of the phraseology employed by the committee.

Mr. HALE. I think there need be little fear that anything of the kind will happen.

Mr. McKELLAR. The Senator says that the ships could not be built under the language of the Dallinger amendment. I want to ask the Senator if it is not true that the appropriation act of March 4, 1913, in authorizing the construction of one first-class battleship, used this language:

Provided, That the battleship herein authorized shall be built in a Government navy yard.

It was built in a Government navy yard; it was fully equipped; everything that ought to have gone on that battleship was put on it; and there was not any loss about it. If that could be done in that case, why could not these cruisers be built under the Dallinger amendment as it stands? Of course, there may be lamps or there may be chronometers or there may be clocks that the Government will have to buy on the outside, but as practical men I think we should realize that if the vessels were constructed in Government yards they would be equipped with everything necessary. To my mind the real object of the amendment of the committee is to throw the Dallinger amendment into conference, and I do not think it ought to be thrown into conference. I think the Dallinger amendment ought to be allowed to stand just as it is. There ought to be a fair division in the construction of these cruisers between private shipbuilders or private yards and Government yards. Everybody seems to agree to that. So why not stand by the Dallinger amendment, which provides for that in every proper way? Every safeguard is thrown around the construction, and the amendment ought not to be interfered with; it ought not to be put into conference, but, I repeat, ought to stand as it is.

Mr. HALE. Mr. President, I will state that I would never consent to vote for the so-called Dallinger amendment as it appears in the House bill, and I do not think that the other members of the committee would do so. They are in favor—and the committee has so reported—of constructing eight of the proposed cruisers in Government yards; but they want to have such provision made as will make sure that the Government is not going to be put to the extraordinary expense of going into businesses in which it is not engaged at the present time in order to provide all the material and parts used on these vessels. That is the purpose of the amendment the committee has added to the bill.

Mr. President, those who want the ships built in the Government yards ought all to be in favor of the committee amendment or something similar to it. If it is going to cost a prohibitive price to build these ships in the navy yards of the country, the country is never going to stand for it; Congress in the future will never allow ships to be built in the navy yards if it is going to cost very much more to do so than it costs to build them in the private yards. All that the committee wants to do is to bring about conditions where the Government yards will be on the same basis as private yards. Private yards do not manufacture all the various parts that are used in the construction of such ships, and neither should the Government yards be forced to do so. They should be put on an equal footing, and that is the reason for the amendment which the committee has recommended.

Mr. WHEELER. Does not the Senator from Maine think that the Government could purchase the necessary parts if the Dallinger amendment were allowed to remain in the bill?

Mr. HALE. No, sir; I do not think so, for under that amendment all the parts used in the construction of the vessels would have to be made in Government yards.

Mr. SWANSON. Mr. President—

Mr. ODDIE. I think I still have the floor; but I am anxious to see this discussion continued, for it is very pertinent. So, while I have the floor, I will yield.

Mr. SWANSON. Mr. President, I offer as a substitute for the amendment reported by the committee the amendment which I send to the desk and which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. In lieu of the matter proposed to be inserted by the committee, it is proposed to insert the following: except such material or parts as are not customarily manufactured in such Government plants.

Mr. McKELLAR. Mr. President, I call the attention of the Senator to the fact—

Mr. SWANSON. Mr. President, I can not yield to the Senator until I explain my amendment.

Mr. McKELLAR. I want to say that the amendment proposed by the Senator from Virginia is almost in the exact words of the amendment which I offered a few moments ago and which takes precedence, I should think, because otherwise the amendment of the Senator from Virginia will be in the third degree. There is only a difference of two words between the Senator's amendment and the one I have offered.

Mr. SWANSON. The Senator has taken this amendment of mine and has butchered it. That is what he has done. I showed the amendment to him, and he butchered it.

Mr. McKELLAR. I think it is butchered in the right direction.

Mr. SWANSON. Mr. President, I am in favor of constructing half of the vessels which it is proposed to build in Government navy yards, because I think they can be constructed as cheaply in Government yards as they can in private yards. I am not willing to hamper their construction in Government yards.

Mr. WHEELER. Which navy yard?

Mr. SWANSON. Not one on Salt Creek or the Great Lakes or the St. Lawrence River.

Mr. WHEELER. Not the St. Lawrence River.

Mr. SWANSON. I presume the Senator and others will never be in favor of a big navy until the ships shall be constructed in that region, and not until then.

Mr. WHEELER. I think the Senator is judging me by himself.

Mr. SWANSON. No; I am not judging the Senator in that way; but he meant to imply that because there was a navy yard in Virginia I was in favor of this provision. The Senator knows that that has nothing to do with my attitude.

Mr. SHORTRIDGE. Mr. President, I inquire what is the language of the amendment.

Mr. SWANSON. I will ask that it be read again.

Mr. BLAINE. Mr. President, will the Senator permit a suggestion?

Mr. SWANSON. No; let me explain the matter.

My position is this: These ships are being constructed in navy yards. The navy yards constructed them during the war. People know what it is customary to construct in navy yards and what it is customary to obtain outside. It is clear. It is a custom of years and years. People know what it is customary for a private yard to buy outside and what it is customary for it to construct in the yard.

This amendment puts a Government navy yard on an exact parity with a private yard, at no advantage or disadvantage; and such things as have been named by the Senator, not being customarily constructed in a navy yard, can be purchased outside.

The trouble with this amendment as reported, however, is that it goes further. I favored it in the committee, but a re-examination shows that they could make a navy yard merely an assembling plant and get all the parts wherever they wanted to and take them to the navy yard and assemble them there.

It seems to me that this amendment gets rid of the trouble that is in the mind of the Senator from Tennessee, gets rid of the trouble that is in the mind of the Senator from Maine, puts the private yards and the navy yards on an equality, and compels them to construct in the navy yards everything except such things as are not customarily constructed or produced in navy yards. It seems to me that ought to satisfy everybody. If a man wants things constructed in a navy yard he would not want them to cost too much, because if that were the case no more would be built there.

I am satisfied that under this amendment substantially everything that ought to be produced in a navy yard will be produced there.

Mr. McKELLAR. Mr. President, if the Senator will yield to me, I want to say that the amendment now offered by the Senator from Virginia differs only in two words from the one that I have offered, and I have no doubt we could iron out that difference very easily. I want to say to the Senator in all good faith, however, that in my judgment whenever any amendment is offered to the Dallinger amendment it puts the entire Dallinger amendment in conference; and I am not sure that it is to the best interest of the people to put that amendment in conference again and endanger it.

I think these ships ought to be built one-half in Government yards and one-half in private yards. I think the arrangement that the committee have brought out here is a very excellent one. I think it takes care of them all. I do not think there ought to be any amendment at all, and I hope there will not be

an amendment; but if we do have to have an amendment, the one that is now offered by the Senator from Virginia, which is substantially the same as the one I suggested awhile ago, is the least objectionable one that I have seen.

Mr. SWANSON. Mr. President, if the Senator will permit me, I expect to be on the conference committee. I presume I shall be on it. I am the ranking Democrat on the committee, and I have been on every conference committee since I have been so situated.

Mr. McKELLAR. We all hope the Senator will be on the committee, anyway.

Mr. SWANSON. So far as I am concerned, I will never agree that the part of the Dallinger amendment that is adopted shall be gotten rid of in conference.

Mr. McKELLAR. I hope we can have the same assurance from the chairman of the committee.

Mr. HALE. I certainly will not consent to cut out the provisions of the Dallinger amendment which provide that certain ships shall be built in the navy yards of the country, and I do not believe we would have a right to do so if we wanted to, if this amendment is adopted.

Mr. SWANSON. And it is not in conference.

Mr. McKELLAR. At all events, the Senator is not in favor of changing that language?

Mr. HALE. Not at all.

Mr. SWANSON. No; it is not in conference. The reason why we did not change the Dallinger amendment was because, if we did, it would be in conference. All that would be in conference here would be this amendment.

Mr. McKELLAR. O Mr. President—

Mr. SWANSON. That is what we shall insist.

Mr. McKELLAR. I am quite sure that if part of a proviso is amended, the whole proviso is in conference.

Mr. SWANSON. I hope the Senator from Maine will accept that amendment.

Mr. HALE. I am willing to accept the amendment, because I think it provides what the committee intended to do with its amendment.

Mr. SMITH. Mr. President, with the permission of the Senator from Nevada, may I ask the chairman of the committee a question?

Mr. ODDIE. I yield.

Mr. SMITH. Has the committee ascertained whether there is a lack of facilities on the part of our naval stations and navy yards throughout the country, an inability on their part to furnish all that is necessary for the construction and equipment of one of these cruisers?

Mr. HALE. I have already said that there are certain material and articles that can not be furnished in the navy yards. There are certain patented articles, pumps, parts of the machinery, and so forth, certain equipment that is used on the ships that can not be furnished by the navy yards with their existing facilities.

Mr. SMITH. Then, does the Senator construe the language of the Dallinger amendment in such a way that without this proviso the navy yard that has the construction of a vessel would not be authorized to purchase those things outside?

Mr. HALE. Yes; I do so construe it. I consider that the navy yards would have to go into the business of producing these various articles that they do not now produce.

Mr. SMITH. Unless it was the right of the Government to utilize private patents, how would we go about furnishing our yards with this equipment? How could we do that unless we were to infringe a patent, or have the patent right released, or construct a plant to do it?

Mr. HALE. The patents could not be used, Mr. President, unless the rights were purchased or conceded; we would have to manage without them as best we could.

Mr. SWANSON. Mr. President, if the Senator from Nevada will permit me, we must remember that the Comptroller General will have to pass on these appropriations and certify them before they are available. If this language is left there, and we do not insert "such as are customarily bought outside," and there are certain things that it is just as customary to purchase outside in private yards as in others, he could fail to certify the appropriation, and order the construction stopped.

Mr. SMITH. It seems to me to be an absurd position for us to take to consign to a certain navy yard the construction of a vessel and then have the whole business held up because there might be some minor part or essential part that they themselves could not construct and did not have in stock, and they would be absolutely helpless to go on unless we provide that they could go out and buy such things as they did not have in stock.

Mr. WHEELER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Montana?

Mr. ODDIE. I yield.

Mr. WHEELER. Let me say to the Senator from South Carolina that I am sure no such construction as was contended for by the Senator from Maine could possibly be placed on the Dallinger amendment. It says:

And provided further, That the first and each succeeding alternate cruiser upon which work is undertaken—

Then it says:

together with the main engines, armor, and armament for such light cruisers, the construction and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards—

And so forth. It seems to me that stating specifically there "together with the main engines, armor, and armament for such light cruisers" expressly implies in this amendment itself that those things that can not be made in the navy yards should be purchased outside. Otherwise there would not have been any necessity at all for putting it there—

together with the main engines, armor, and armament for such light cruisers.

Mr. SMITH. It seemed to me to be a monstrous proposition to equip navy yards for the purpose of constructing vessels and then to put a proviso in whatever enabling act we may pass saying to them, "Now, we must give you a right to go outside or else you can not construct the ships."

Mr. JOHNSON. Mr. President, may I say to the Senator from South Carolina that, in my opinion, there is really no necessity at all for the amendment that has been put in the bill by the Naval Affairs Committee?

You will observe that in the public yards certain construction is to be done. The implication by the bill is that in private yards certain construction is to be done. Now, respecting the construction in the public yards is attached this amendment: That if there are some things that can not be legitimately and appropriately made by the yard, then the Secretary may get those outside. There is no suggestion at all in relation to the private yards; and I assume that the private yards no more than the public yards manufacture, possibly, some of the things that may be necessary upon the cruisers. Therefore, not mentioning anything in respect to the private yards and those things not obtainable there, no necessity arises for mentioning anything in respect to the public yards and those things not obtainable there.

Mr. GLASS. The difference, Mr. President, is that the Government owns the public yards and can determine what may be manufactured there and what may not; but the Government does not own the private yards, and the Government would have no right whatsoever to determine what the private yards might do.

Mr. JOHNSON. The Senator has missed the point of what I was saying. That is not what I was endeavoring to suggest, perhaps quite inaptly.

Of course the Government owns the Government yards; but is it conceivable that if we direct a cruiser to be built in a Government yard, and a chronometer is required for that cruiser, therefore we are going to have the chronometer manufactured in the public yard?

Mr. GLASS. It is not only conceivable, but the Committee on Naval Affairs has conceived it.

Mr. JOHNSON. And it is exactly that that I say is wholly unnecessary. I do not care a rap, and the amendment that is suggested by the Senator from Tennessee and the Senator from Virginia is perfectly satisfactory to me; but I think that no amendment at all, in the language either of the original bill or as they suggest, is necessary.

Mr. SWANSON. If the Senator will permit me, I will read this language:

*That the first and each succeeding alternate cruiser upon which work is undertaken * * * shall be constructed or manufactured in the Government navy yards.*

Now, by putting in "together with the main engines, armor, and armament," that left it subject to the construction that everything should be done there that we chose to do there. Now, if the Navy were disposed not to do these things in the navy yards—which is what I am afraid of—they would say, "Well, we have to manufacture everything there, and it is utterly impossible to do it." What is the harm in putting in an amendment to make that clear, so that the Comptroller General will not have to pass on it, compelling them to manufac-

ture and produce in the navy yards everything that is customarily obtained there?

Mr. WHEELER. Mr. President, if the Senator will yield, we might just as well put on a proviso also to the effect that private owners, when we let a contract to build a ship, could go outside somewhere and buy what they did not manufacture themselves.

Mr. SWANSON. But the Senator will remember that the navy yards would be very glad to take his contention and be given the free hand which the Senate amendment gives them, which I think would simply make the navy yards assembling plants if it were carried out. This compels them to manufacture in the navy yards what it is customary to produce in the navy yards—customary in the case of the ships that are built, customary with the cruisers now being built, customary during the war—and does not compel them to create new plants and new products. There is a doubt as to whether that is not necessary.

Mr. JOHNSON. Mr. President, I am perfectly willing to agree to what the Senator says; but as a matter of simple accuracy, I do not want to subscribe to the doctrine that if we permit a Government yard to manufacture a cruiser, and a watch is required upon that cruiser, we have to put the Government yard into the manufacture of watches. That is exactly what has been contended for here, however.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nevada yield further?

Mr. ODDIE. I yield.

Mr. McKELLAR. Further, in regard to what the Senator from California has just said, let us look at the matter as a practical matter.

Here we are authorizing the building of eight ships in Government navy yards, without anything more. After these ships have been laid down, and they are proceeding with them, and it takes years to build them—we all know that it does take years to build them—suppose the Secretary of the Navy makes a report—and he is required to make a report every year, and can make one whenever he desires—suppose he should make a report saying, "There are certain articles that it will cost a great deal to manufacture if they are going to be manufactured in Government plants. It would be cheaper to buy them on the outside," why can we not wait and dispose of those matters then? Why mix up this arrangement contained in the Dallinger amendment with doubtful provisions which may be construed in any way by a Secretary of the Navy?

It looks to me as if we ought to go ahead and make the division equally between the private yards and the public yards, and settle these little insignificant matters afterwards. Surely the Secretary of the Navy has sense enough, if he finds it costs more for the Government to build in the navy yards than in private yards, or if he finds that he can buy them cheaper, to report that to the Congress.

Mr. TYDINGS. Mr. President, I think I can make some explanation as to why this particular language was adopted in connection with the Dallinger amendment that might clear up some of the misunderstanding. At first the act provided that "the first and each succeeding alternate cruiser upon which work is undertaken." That is the way the amendment originally stood. But it was feared that perhaps all of the work which the Government could do would not be done in the Government yards. So, in order to make sure that all of the work which the navy yards could turn out would be done by the navy yards, these words were added, "together with the main engine, armor, and armament for such light cruisers."

Having specified those three qualifying phrases, it was then thought that the Government might be compelled, under a ruling of the comptroller, to build everything that would go into the cruiser, because it had attempted to specify an intention so to do. Therefore the committee drafted an amendment having for its purpose only the procuring of such things as could not be built in the Government yards. That was the reason the committee amendment was put in.

If the words "together with the main engine, armor, and armament" had not been used, then the qualifying committee amendment would not have been needed. But inasmuch as they were specified, the committee was afraid that work might be held up under a ruling of the comptroller, and that was the reason for the committee amendment.

I would just like to bring out this thought also. The ships that are to be built in the private yards will be built under a lump-sum contract. It is immaterial to the Government whether everything or nothing is built in the private yards.

All the Government wants is a completed battleship in accordance with the specifications, and at the price bid. But when the Government attempts to build a ship, the way it is to be built is written into the act itself, and unless there is enough elasticity in the act, technical complications may prevent the completion of the ship in the time specified.

Mr. BROOKHART. Mr. President, I desire to ask the Senator a question.

Mr. TYDINGS. I yield to the Senator from Iowa.

Mr. BROOKHART. The Senator says it was the intention of the committee to except only such articles as could not be manufactured by the navy yards. But this language is "except such material or parts." Will the Senator name a single part of a ship that is not excepted?

Mr. TYDINGS. Yes. The fire-control apparatus can not be manufactured in the Government yards economically, because the Government has neither the patents nor the machinery necessary for that purpose.

Mr. BROOKHART. How much would a fire-control apparatus cost?

Mr. TYDINGS. It is a very expensive and delicate apparatus.

Mr. BROOKHART. Mr. President—

Mr. TYDINGS. Let me conclude my statement.

Mr. BROOKHART. How much cheaper would it be—

Mr. TYDINGS. The Senator has asked me a question. Now, just let me answer it. How about the range finders?

Mr. BROOKHART. That is a small item in building a ship.

Mr. TYDINGS. How about the telephones?

Mr. BROOKHART. That is another small item.

Mr. TYDINGS. But all these little items put together make a battleship.

Mr. WHEELER. What about the nails and the bolts and the screws?

Mr. HALE. The parts of the fire-control apparatus that they have to buy outside cost about \$250,000.

Mr. BROOKHART. What does the whole cruiser cost?

Mr. HALE. Seventeen million dollars.

Mr. BROOKHART. What do the parts cost which we can not build, the whole number, the watches—

Mr. WHEELER. And the nails and the bolts?

Mr. NEELY. And the screws?

Mr. BROOKHART. How about gun forgings?

Mr. HALE. The Government does not manufacture gun forgings. The only place where it could make them would be at the Charleston armor plant, which can not be operated without a tremendous overhead expense. If we opened that plant it would cost us nearly twice as much for gun forgings as if we bought the forgings outside, and surely the Senator does not want to put the Government to that expense. The cost of the gun forgings is a very large item.

Mr. BROOKHART. So far as I am concerned, I am not willing to consent that any private company shall profiteer out of war preparations, either in time of peace or in time of war. I am opposed to war profiteering from beginning to end. I just voted for a treaty for the universal outlawry of war because I believed that way. So I am ready to have all this work, regardless of the cost, done in the Government yards, as far as I am concerned.

Mr. HALE. Regardless of the cost? The Senator and I would differ about that. I think it is our duty to look out for the expenditure of Government money.

Mr. ODDIE. Mr. President, I desire to make a few remarks on the bill.

Mr. JOHNSON. Will not the Senator let the amendment be settled first?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator yield?

Mr. ODDIE. I yield.

Mr. JOHNSON. Will not the Senator yield until this amendment can be disposed of? I suggest to the Senator from Virginia and the Senator from Tennessee that I think the Senate is ready to settle this particular amendment now, and if it is satisfactory to the Senate, I suggest that we proceed to do so.

Mr. SWANSON. I hope the Senator from Maine will accept it.

Mr. HALE. I think it carries out the intention of the committee.

Mr. ODDIE. Mr. President, I intend to speak just a few minutes on the bill itself, also on this amendment. I desire to put some important material in the RECORD that bears on the amendment, as well as on the whole bill, and if the Senators will bear with me for a few minutes, I will do so.

Mr. JOHNSON. Mr. President, may I make my apologies to the Senator from Nevada? I thought he had made a very excellent speech thus far.

The PRESIDING OFFICER. The amendment has not yet been adopted.

Mr. ODDIE. There are several very strong indorsements of this bill, including indorsements of the Dallinger amendment, which I desire to place in the RECORD.

In the first place, regarding the bill itself as it is before the Senate, and as it came from the House, I desire to place in the RECORD a statement by the Navy League of the United States giving a summary of the editorial comment on this bill from papers all over the country. It shows the ratio for and against the bill to be 7.8 to 1.

Mr. WHEELER. Mr. President, will the Senator yield? Who composes the Navy League, and where do they get these figures?

Mr. ODDIE. The Navy League is headed by William Howard Gardiner, and is composed of a large number of able men in the United States who have been taking an active interest in the Navy, making a careful study regarding it, and who are well posted on Navy matters.

Mr. WHEELER. And largely spreading propaganda in favor of a larger Navy, and in behalf of the shipbuilders of the country.

Mr. ODDIE. They are spreading propaganda for Americanism and adequate national defense.

Mr. WHEELER. But largely for the shipbuilders of the country.

Mr. ODDIE. I resent that, because these men are good Americans. They are looking to the defense of our country, and are spreading what I believe, and a majority of the people believe, to be good and necessary information.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. ODDIE. For a question; yes.

Mr. NEELY. Mr. President, everybody else in the Chamber has transgressed upon the time of the able Senator from Nevada [Mr. ODDIE]. Therefore I beg him to forgive me for making unanimous the interruptions which he is so very patiently enduring.

I inquire of the Senator from Maine just what is included in the meaning of the term "armor" in line 7, on page 2, of the bill?

Mr. HALE. Mr. President, the word "armor" is included in the bill, but there is no armor of any sort whatever used on these cruisers. The ships have protective decks, with 3-inch steel plates, but that is rolled steel, not forged steel, and all armor is forged. These plates go into the construction of the ships, and are taken care of, not under the appropriation for "armor and armament," but by the Bureau of Construction and Repair under "hull and machinery."

Mr. NEELY. Am I correct in believing that no armor plate will be used in the construction of the 15 cruisers described in the bill?

Mr. HALE. There are, further, turrets for the guns, which are also not considered as armor.

Mr. NEELY. The Government has built an armor-plate plant in South Charleston, W. Va., at a cost of about \$24,000,000. This plant is idle. It ought to be utilized, if possible. Consequently, if armor plate is to be used in the construction of anything authorized by the pending measure, I desire to offer an amendment that will provide for the making of such armor plate by the Charleston factory.

Mr. HALE. There is no armor provided for these vessels.

Mr. NEELY. That was my understanding.

Mr. ODDIE. Mr. President, I ask leave also to place in the RECORD a letter from John Thomas Taylor, of the national legislative committee of the American Legion, indorsing this bill.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NAVY LEAGUE OF THE UNITED STATES,
Washington, D. C., January 7, 1929.

Editorials in the daily newspapers from all parts of the country continue to support the 15-cruiser replacement program now before the Senate; and this with increasing emphasis, for during November the favorable ratio was 6.1 to 1, whereas since then it has increased to 7.8 to 1.

On December 7, 1928, the Navy League of the United States issued a statement in which it said that year after year it has received from a well-known and wholly disinterested clipping bureau the editorial comment of the Nation's press on naval matters.

Classification of all editorials commenting on the 15-cruiser program, and received between Armistice Day and December 7, then gave a ratio, by newspaper circulation, of 6.1 in favor to 1 against.

Similar classification of all such editorials received since December 7 has yielded the still more interesting result summarized below:

Newspaper circulation:

For.....	5,179,940
Against.....	665,408
Ratio:	
For.....	7.8
Against.....	1

While the relative increase from 6.1 to 7.8 (to 1) favoring the 15-cruiser program is significant, it is noteworthy that this increase is due, in part, to one of the very few metropolitan papers long opposed to American armaments having reversed its position.

NAVY LEAGUE OF THE UNITED STATES,
By WILLIAM HOWARD GARDINER, President.

THE AMERICAN LEGION NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., December 17, 1928.

HON. TASKER L. ODDIE,

United States Senate, Washington, D. C.

MY DEAR SENATOR: On March 17, 1928, the cruiser construction bill, calling for 15 fast scout cruisers and 1 airplane carrier, passed the House by a vote of 287 to 58 and was immediately forwarded to the Senate. This was a reduction of two-thirds from what the Secretary of the Navy stated was necessary to bring our Navy up to its ratio under the 5-5-3 treaty, the result of the Washington conference.

So that, although the enactment of this legislation will improve our relative naval position, it will not regain for us our lost parity.

We know that the pacifist groups of the country are flooding the Senate with mimeographed and stereotyped pacifist propaganda against this legislation, and that these are the same groups which have continually striven to weaken our national defense.

The American Legion at its San Antonio convention unanimously adopted the following resolution:

"Resolved, That the bill known as House bill 11526, which authorized the construction of certain naval vessels, among which there are to be 15 light cruisers of 10,000 tons each, be given priority on the list of legislative projects and receive favorable action, and that the President of the United States of America be authorized to begin construction of these vessels at once."

We respectfully urge that when the cruiser bill comes before the Senate for consideration you will do everything in your power to aid its prompt passage.

Sincerely yours,

JOHN THOMAS TAYLOR,
National Legislative Committee.

Mr. ODDIE. I also desire to place in the RECORD a letter from the national vice chairman of the American Legion, George W. Malone, of Nevada, containing strong indorsement of this bill by the American Legion at its recent convention in San Antonio, Tex.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE MAYFLOWER,
Washington, D. C., December 19, 1928.

HON. TASKER L. ODDIE,

Senate Office Building, Washington, D. C.

DEAR SENATOR: Pursuant to our conversation, relative to House bill 11526, authorizing the construction of certain naval vessels, I am including herewith copy of our resolutions on this important subject at the last national American Legion convention in San Antonio, Tex.

"REPORT OF NAVAL AFFAIRS COMMITTEE"

"Whereas the United States of America has become one of the world's foremost nations as to population, political influence, wealth, and workers for righteousness; and

"Whereas an adequate Navy is vital to the maintenance of peace, self-defense, and the furtherance of international righteousness; and

"Whereas it is vital that an intelligent body of sound-minded people combat the pacifism, bigotry, and misinformation being circulated respecting naval matters; and

"Whereas a Navy is of the utmost indirect importance to our uninterrupted economic expansion and prosperity: Be it

"CRUISER CONSTRUCTION"

"Resolved, That the bill known as House bill 11526, which authorized the construction of certain naval vessels, among which there are to be 15 light cruisers of 10,000 tons each, be given priority on the list of legislative projects and receive favorable action, and that the President of the United States of America be authorized to begin construction of these vessels at once.

"AIRPLANE CARRIERS"

"That the Congress of the United States of America authorize the construction of sufficient airplane-carrier tonnage to bring the United States Navy up to the tonnage allowed us by the Washington Disarmament Conference.

"MODERN NAVAL VESSELS"

"That the Congress of the United States of America authorize the modernization of such of our naval vessels which have not been modernized wherein this is practicable.

"SUBMARINE CONSTRUCTION"

"That the Congress of the United States of America authorize the construction of such submarines for our Navy as are recommended by the general board of the United States Navy.

"PROGRESS IN AVIATION"

"That the present expansion experimentation by our naval and marine air forces be continued, and that the policy of keeping in the foreground of aviation progress in general be demanded, and that sufficient funds for this purpose be appropriated by the Congress of the United States.

"5-5-3 RATIO"

"That we demand that the Congress of the United States abide by the Washington Disarmament Conference and in accordance therewith to bring the strength of the United States Navy up to the 5-5-3 ratio."

The American Legion is not warlike, certainly if any organization wants peace between the countries of the world, it is that organization, because they know what it means to fight, and they firmly believe that the peace conferences should be continued and that they will ultimately be successful, but in the meantime, recognizing conditions as they are, we must be prepared for emergencies.

We recognize that it is a terrible thing to send young men into battle, but it is infinitely more terrible to send them into battle without proper preparation; then, until it is evident that the danger of war is past, let us be reasonably prepared.

Our organization and the younger men will see our country through any emergency without fear of the result, if our country, through its Congress, will properly equip us for that emergency.

Sincerely yours,

GEORGE W. MALONE,

National Vice Commander American Legion.

Mr. ODDIE. I ask that a letter from William Green, president of the American Federation of Labor, dated January 11, 1929, indorsing this bill with the Dallinger amendment, be placed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., January 11, 1929.

Hon. TASKER L. ODDIE,

Senate Office Building, Washington, D. C.

DEAR SIR: The delegates in attendance at the convention of the American Federation of Labor, held in the city of New Orleans from November 19 to 28, inclusive, declared in favor of the adoption of necessary provisions for national defense, including the building and maintenance of an adequate Navy.

Conforming to this declaration, the convention approved H. R. 11526, now pending in the Congress of the United States, which provides for the construction of 15 new cruisers. In connection with this matter, however, the convention unanimously approved that section of the bill which provides that 8 of the 15 cruisers authorized be built in Government navy yards.

In making this recommendation we are not unmindful of the difference of opinion which prevails regarding the construction of cruisers in privately owned shipbuilding yards or in the Government-owned navy yards. In passing upon this phase of the question it was the opinion of the representatives of the American Federation of Labor that the employees of the Government navy yards were entitled to consideration, and that they should be given an opportunity to construct 8 of the 15 cruisers provided for in the Navy bill. Such legislative action would serve to supply employment to a large number of competent workmen in the Government navy yards and would remove in a very large way the oft-repeated charge that certain special and private interests were supporting the Navy bill for selfish reasons and for the sole purpose of making profit out of the construction of Navy vessels for the Government.

I respectfully request that you give favorable consideration to these declarations and recommendations made at the New Orleans convention, which was representative of the membership of the American Federation of Labor.

Yours respectfully,

WM. GREEN,

President American Federation of Labor.

Mr. ODDIE. I also ask that a letter from Maude Wetmore, chairman of the executive council of the woman's department of the National Civic Federation, indorsing this legislation, be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW YORK CITY, January 14, 1929.

MY DEAR SENATOR ODDIE: At a meeting of the executive council of the woman's department of the National Civic Federation assembled in New York on January 3, 1929, the following resolution was adopted:

"Whereas a Navy adequate for the national defense is essential to the development and safety of the Nation; and

"Whereas the President of the United States has stressed the need for greater cruiser strength: Therefore be it

"Resolved, That consistent with the established policy on national defense of the woman's department, the council indorses the naval construction bill pending in the Senate of the United States and urges its prompt passage, unamended."

Sincerely yours,

MAUDE WETMORE, Chairman.

Mr. BLAINE. Mr. President, I would like to ask the Senator a question.

Mr. ODDIE. I yield.

Mr. BLAINE. I want to inquire, in connection with the indorsement the Senator has just submitted from the estimable madam, whether or not she favored the Kellogg peace pact?

Mr. ODDIE. I do not know about that. I am submitting this as it has come to me.

I also have several telegrams that I ask to have printed in the RECORD, from the American Legion of Nevada and Arizona and from the American Legion Auxiliary of Nevada.

Mr. WHEELER. They have all made a study of the necessity of our Government needing a larger Navy, I suppose?

Mr. ODDIE. Yes; they have been reading good material on this question.

Mr. WHEELER. They were all in favor of the peace treaty, were they not?

The PRESIDING OFFICER. Is there objection?

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

CARSON CITY, NEV., December 14, 1928.

Hon. TASKER L. ODDIE,

United States Senator of Nevada, Washington, D. C.:

Nation's welfare demands Nevada's support cruiser bill. Action at once.

THE AMERICAN LEGION OF NEVADA.

CARSON CITY, NEV., December 14, 1928.

Hon. TASKER L. ODDIE,

United States Senator from Nevada, Washington, D. C.:

The American Legion Auxiliary, Department of Nevada, urges your unqualified support of cruiser construction bill. May we have acknowledgment of this telegram and a statement of your stand in this matter?

(Mrs.) MARION GRANT BOWEN,
Department President.

YERINGTON, NEV., December 15, 1928.

Senator TASKER L. ODDIE,

Senate Office Building, Washington, D. C.:

Department of Nevada, American Legion Auxiliary, urge your unqualified support of the cruiser construction bill.

Mrs. FRANCES FRIEDHOFF,
Department Legislative Chairman.

KINGMAN, ARIZ., March 10, 1928.

Hon. TASKER ODDIE,

United States Senate, Washington, D. C.:

Swaskegame Post, American Legion, of Mohave County, Ariz., urge your support naval program first presented. We oppose House Joint Resolution 183 and support amendment of Senator THOMAS restoring increased appropriation. This post believes wholeheartedly in national preparedness, and confident you uphold our belief. Also telegram from E. E. Wishon.

Commander F. A. MYLIUS, Adjutant.

Mr. ODDIE. I also submit a communication from the National Sojourners in connection with the resolution I will introduce from the Daughters of the American Revolution.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Adopted by National Sojourners January 11; also adopted by 44 participating organizations January 11

The committee of 33 of the National Sojourners, representing, as it does, a membership of American citizens located in all parts of the United States and its possessions, hereby declares:

(a) We heartily indorse the expressions of our President, Calvin Coolidge, made in his Armistice Day address, as follows: "We made altogether the heaviest sacrifice in scrapping work which was already in existence. That should forever remain not only a satisfaction to

ourselves but a demonstration to others of our good faith in advocating the principle of limitation," and "it is obvious that eliminating all competition world standards of defense require us to have more cruisers."

(b) That we view with alarm the past and present actions of certain groups of peoples who are attempting to interfere with such proper measures of national defense and national security as are required by the Constitution of the United States.

(c) That our fellow countrymen must realize the vast sacrifices made by the United States after the conference on limitation of armaments, 1921-22, these sacrifices continuing on to date, showing an average falling to the rear daily for seven years past as regards Great Britain of 33 tons of cruisers, 10 tons of destroyers, and 10 tons of submarines, and as regards Japan of 20 tons, 30 tons, and 16 tons, respectively, and that our willingness to reduce has been fully shown.

(d) That peace pact or no peace pact, the situation is such the passage of the 15 cruiser bill at once is imperative for the preservation of our dignity among the nations when sitting at a council board, the protection of our nationals abroad when needed, the safety of our great trade and commerce on the seven seas.

(e) And that we call on all patriotic citizens to come to a realization of present conditions and assist in thwarting interests, well meaning or otherwise, whose actions in our judgment are dangerous to the perpetuation of American institutions.

GEO. R. UNMACHT,
National Secretary.

Mr. ODDIE. I have a resolution from the National Society of the Daughters of the American Revolution.

Mr. WHEELER. Mr. President, with reference to that I am going to insist that for the benefit and enlightenment of the Senate this letter from the Daughters of the American Revolution be read. I think it ought to be read.

Mr. ODDIE. Mr. President, I intend to read it. It is as follows:

NATIONAL SOCIETY,
DAUGHTERS OF THE AMERICAN REVOLUTION,
January 11, 1929.

Whereas the President of the United States, in his Armistice Day address insisted that "World standards of defense require us to have more cruisers"; and

Whereas we maintain that the hope for domestic tranquility and common defense expressed in the Constitution of the United States should be sustained at this time by an army strengthened in accordance with the national defense act of 1920 and a navy conforming to the 5-5-3 ratio as agreed upon at the Washington conference; and

Whereas we are seriously impressed by the hazard involved in further delaying to provide adequate defense for the United States; and

Whereas we recognize the risk in substituting enactment of law as a mere farce in place of actually obtaining sufficient men for the Army and real ships for the Navy or in our Nation's sole reliance upon treaties unsupported by adequate defenses: Therefore be it

Resolved, That we, as representatives of 52 patriotic organizations, record our indorsement of the cruiser bill and anticipate that its passage in the Senate will pave the way for further provision for a navy, merchant marine, and naval bases appropriate to American dignity, and in conjunction with the building of cruisers and auxiliaries, we ask Congress to provide for a sufficient personnel to man them; and be it further

Resolved, That we avoid a fluctuating policy of defense by maintaining an army at this time substantially unvaried from the exact plan of the national defense act of 1920; and be it further

Resolved, That we welcome and lend our moral support to congressional investigations of antidefense forces wherever they may be discovered to be masking efforts to subvert our constitutional form of government under the guise of working for world peace.

Adopted unanimously by representatives of organizations in conference assembled, whose names are hereto attached:

I ask that there be printed in the RECORD a list of 52 organizations which have indorsed the resolution just read.

Mr. BROOKHART and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. BROOKHART. I want to know whether I should object or not. I want to ask the Senator a question first. I would like to know if the Daughters of the American Revolution organization whose resolution he has just presented is comprised of the same crowd of ladies who blacklisted me as un-American?

Mr. ODDIE. I do not know.

Mr. WHEELER. If they have not done so yet, when they find out that the Senator from Iowa is against the cruiser bill they will do so.

The PRESIDING OFFICER. Without objection, the request of the Senator from Nevada is granted.

The list referred to is as follows:

National Sojourners.
American Legion Auxillary.
American War Mothers.
American Women's Legion.
Auxiliary Disabled American Veterans.
Colonial Daughters of the Seventeenth Century.
Daughters of the American Colonists.
Daughters of the American Revolution.
Daughters of the Cincinnati.
Daughters of the Colonial Wars.
Daughters of the Revolution.
Daughters of Union Veterans of the Civil War.
Government Club of New York.
Government Club of Chicago.
Ladies Auxiliary Veterans of Foreign Wars of the United States.
Ladies of the Grand Army of the Republic.
Ladies of the Union Veterans Legion.
National Society of Colonial Daughters of America.
National Society Dames of the Loyal Legion.
National Society Daughters of Founders and Patriots.
National Society Patriotic Builders of America (Inc.).
National Society of New England Women.
National Society United Daughters of 1812.
Order of the First Founders of Virginia.
Gold Star Mothers.
Society of Daughters of Holland Dames.
Women's Army and Navy Legion of Valor.
Women's Constitutional League of Virginia.
Women's Naval Service League.
Women's Overseas Service.
Women's Relief Corps.
National Patriotic Council.
National Society, Daughters of the Union, 1861-1865.
New York Colony of New England Women.
Society of Sponsors of the United States Navy.
Wisconsin Service Star Legion.
National Allies Veteran and Patriotic Organizations.
National Auxiliary United Spanish War Veterans.
Reserve Officers Association.
American Defense Society.
Veterans of Foreign Wars.
The American Legion.
Military Order of the World War.
Sons of American Revolution.
Sons of the Revolution.
Military Order of Foreign Wars.
Key Men of America.
Society of Mayflower Descendants.
Marine Corps League.
Second Division Association.
Order of the Cincinnati.
United Spanish War Veterans.
Heroes of '76.
New York Society of Military and Naval Orders.
Military Order of Loyal Legion.
The Carabao.
National Vigilance Society of Chicago (Inc.).

Mr. ODDIE. Mr. President, I am not going to make any extended statement on the bill at this time. It is known very well that I favor the bill and am most anxious to see it passed, and passed promptly. I am anxious to have my position clearly understood. I am confident that it is the opinion of a large number of Senators, as it is mine, that the bill does not mean competition in navy building with any other nation, but it means a partial-replacement program. It will result in more nearly balancing of our fleet by the addition of cruisers which it sadly lacks to-day, the lack of which throws our fleet out of balance in comparison with other fleets in the world. I hope the bill will pass.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. ODDIE. I am not going to make any further remarks at this time, but I yield for a question.

Mr. WHEELER. Will the Senator tell me just the ships which the 15 cruisers are going to replace?

Mr. ODDIE. I have here a list of 22 old cruisers—

Mr. WHEELER. I would like to know which ones those are going to replace, because I understand we have replaced some of them several times. I would like to know definitely which ones are to be replaced.

Mr. ODDIE. I said it was to be a partial replacement.

Mr. WHEELER. Can the Senator tell me what cruisers the new ones are to replace?

Mr. ODDIE. I will state further that, eliminating all question of replacement, in order to bring our fleet up somewhere

near the 5-5-3 ratio these 15 cruisers should be built. With the 15 new cruisers we will not even then approach our place in the 5-5-3 ratio.

Mr. WHEELER. The Senator stated they were for replacement. I would like to know what it is proposed to have them replace. I read Mr. Butler's statement in the House, he being at the time chairman of the Naval Affairs Committee, in which he said they were not for replacement and that the first time he had ever heard of them being for replacement was when some one on the floor of the House made that statement.

Mr. ODDIE. It is a case of partial replacement in addition to bringing our fleet nearer the 5-5-3 ratio.

Mr. HALE. It is a replacement of existing cruisers, as the Senator very well knows.

Mr. WHEELER. No; the Senator does not know any such thing.

Mr. HALE. There are 22 old cruisers with a tonnage of 179,000 tons plus, which have not been replaced, and are still on the Navy list.

Mr. WHEELER. But they are not in the first line?

Mr. HALE. That has nothing to do with replacement.

Mr. WHEELER. The Senator from Maine knows perfectly well that Mr. Butler, chairman of the Naval Affairs Committee of the House, made the statement that these were not for replacement.

Mr. HALE. I am not responsible for his statement, but I am responsible for my own statement that these ships are to replace certain old cruisers of the Navy.

Mr. WHEELER. Let me ask the Senator another question. When these eight cruisers were built, what were they to replace?

Mr. HALE. They were not to replace any ships, because we knew that when they were added to the 10 modern cruisers, which we now have, we still would not have enough cruisers to protect our fleet and our commerce, and therefore we have had to keep these old ships in the Navy for possible use, ineffective as they are.

Mr. WHEELER. What ships are going to be replaced, so the RECORD may show clearly?

Mr. HALE. I have just told the Senator.

Mr. WHEELER. I would like to have the names.

Mr. ODDIE. I have here a list of 23 old cruisers.

Mr. WHEELER. I have 23 names of cruisers, too; but I say they have been replaced several times. I want to have the names in the RECORD, so that when we have another naval construction bill before the Senate it may not be argued that the proposed new vessels are to replace the same boats which it is now claimed the present proposed cruisers are to be built to replace. I think the names ought to go in the RECORD for that purpose if for none other. Every time we have a cruiser construction bill it is claimed that the new vessels are to be constructed for replacement of the same old 22 or 23 ships which we have had for years.

Mr. HALE. Mr. President, I ask at this time that a list of ships, comprising 22 old cruisers of the Navy of which I have spoken, may be printed in the RECORD. It is these ships that we are going to replace.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Name	Laid down	Completed	Displacement (tons)	Speed	Battery		Torpedo tubes
					Main	Anti-aircraft	
Rochester.....	1890	1893	8,150	21.0	4-8"	2-3"	-----
Olympia.....	1891	1894	5,865	21.7	10-5"	2-3"	-----
New Orleans.....	1895	-----	3,430	20.0	8-5"	-----	-----
Albany.....	1898	-----	3,430	20.5	8-5"	1-3"	-----
Cleveland.....	1900	1903	3,200	16.4	8-5"	1-3"	-----
Denver.....	1900	1904	3,200	16.8	8-5"	1-3"	-----
Des Moines.....	1900	1904	3,200	16.6	8-5"	1-3"	-----
Chattanooga.....	1900	1905	3,200	16.6	8-5"	1-3"	-----
Frederick.....	1901	1905	13,680	22.4	4-8"	2-3"	2
Galveston.....	1901	1905	3,200	16.4	8-5"	-----	-----
Huntington.....	1901	1905	13,680	22.2	4-8"	2-3"	2
Pittsburgh.....	1901	1905	13,680	22.4	4-8"	2-3"	2
Pueblo.....	1901	1905	13,680	22.2	4-8"	2-3"	2
Charleston.....	1902	1905	9,700	22.0	12-6"	2-3"	-----
St. Louis.....	1902	1906	9,700	22.1	12-6"	2-3"	-----
Seattle.....	1903	1906	14,500	22.3	4-10"	2-3"	4
Huron.....	1902	1907	13,680	22.2	4-8"	2-3"	2
Birmingham.....	1905	1908	3,750	24.3	4-5"	1-3"	2
Charlotte.....	1905	1908	14,500	21.0	4-10"	2-3"	4
York.....	1905	1908	3,750	26.5	4-5"	1-3"	2
Missoula.....	1905	1908	14,500	22.3	4-10"	2-3"	4
Salem.....	1905	1908	3,750	26.0	4-5"	1-3"	2
Total (22).....			179,425				

Mr. HEFLIN. Mr. President, what is the Senator from Maine going to do with the old ships? What is going to become of the ships we are retiring?

Mr. HALE. They will be scrapped and gotten out of the way as soon as it is possible to do so.

Mr. NEELY. Mr. President, by request I ask unanimous consent to have printed in the RECORD two letters from constituents addressed to the Citizens Conference on Cruisers.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters are as follows:

THE RECTORY, NELSON PARISH,
Kearneysville, W. Va., January 6, 1929.

The CITIZENS CONFERENCE ON CRUISERS,
Hotel Washington, Washington, D. C.

DEAR SIR: I find it impossible to attend the dinner announced by your committee, as much as I would like to. I say this apropos the check I mailed you a few days ago. Of course, I am deeply in sympathy with this whole movement and hope the Nation, through its National House, will take a definite stand when the bill is debated. I am

Very cordially,

HUNTER DAVIDSON.

SALEM COLLEGE,
Salem, W. Va., January 2, 1929.

CITIZENS CONFERENCE ON CRUISERS,
Hotel Washington, Washington, D. C.

GENTLEMEN: While I am unable to be with you in attendance at the conference, I am in sympathy with your efforts to curb our expenditure for war purposes and to express faith in the future peace tendencies of the world.

Sincerely yours,

S. O. BOND.

Mr. McKELLAR. Mr. President, we have threshed out the question of the amendment to the Dallinger amendment, and I think it has been substantially agreed that the words which have been offered as a substitute by the Senator from Virginia [Mr. SWANSON] should go in the bill. I understand the chairman of the Committee on Naval Affairs has agreed to it. Therefore I ask unanimous consent to strike out the committee amendment in lines 12, 13, and 14, page 2 of the bill, and to insert in lieu thereof the amendment of the Senator from Virginia.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. DILL. Let us have the wording of the proposed amendment.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. The Senator from Tennessee proposes to strike out the following on page 2, lines 12, 13, and 14:

except such material or parts thereof as the Secretary of the Navy may find procurable by contract or purchase at an appreciable saving in cost to the Government.

And to insert in lieu thereof the following:

except such materials or parts as are not customarily manufactured in such Government plants.

Mr. McKELLAR. That has been agreed to by everybody, as I understand, and what moves me to agree to it is that I have been assured by four out of five of the probable conferees on the bill that they are going to stand for the Dallinger amendment just as it is in the bill with this amendment attached. On that assurance I am asking unanimous consent for the substitution.

The PRESIDING OFFICER. Is there objection?

Mr. WHEELER. I object.

Mr. McKELLAR. Then I ask for a vote on my amendment.

Mr. BINGHAM. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Connecticut will state the point of order.

Mr. BINGHAM. What, then, is to become of my substitute for the Senator's amendment?

The PRESIDING OFFICER. It will still be subject to a vote after the amendment which has just been offered has been disposed of. The question is on agreeing to the amendment offered by the Senator from Tennessee to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the committee amendment as amended.

Mr. BINGHAM. I have offered a substitute for the committee amendment.

The PRESIDING OFFICER. The substitute will be in order after the committee amendment has been voted on. The question is on agreeing to the committee amendment as amended.

Mr. BINGHAM. Mr. President, a point of order. I do not understand how the substitute for the committee amendment, which I offered, loses its parliamentary status.

The PRESIDING OFFICER. The Senator's substitute involves more than is included in the committee amendment as amended, and after the committee amendment as amended is voted on the Senator's substitute will be in order. The question is on the committee amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The question now is on the substitute offered by the Senator from Connecticut.

Mr. PHIPPS. Let it be stated.

The PRESIDING OFFICER. The substitute will be stated.

The CHIEF CLERK. The Senator from Connecticut proposes the following amendment: On page 2, strike out the proviso in lines 5 to 14, inclusive, and insert in lieu thereof the following:

And provided further, That no part of the moneys herein authorized to be appropriated for the naval establishment shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government.

Mr. BINGHAM. Mr. President, I ask at this time that the clerk may read a resolution passed last summer by the United States Shipping Board.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk read the resolution, as follows:

Whereas the United States Shipping Board is charged with the creation and development of an American merchant marine; and

Whereas the board is authorized by the Jones-White Act to make loans for the construction of merchant ships by private citizens; and

Whereas the cost of such construction in American yards is greatly in excess of like construction in foreign yards; and

Whereas the present decline of American shipyards is a serious, if not fatal, menace to the American merchant marine; and

Whereas American shipyards are a necessary and integral part of an American merchant marine in times of peace, as well as in times of national emergency; and

Whereas the costs of commercial ships in American yards can, and will, be greatly decreased if American private shipyards are given contracts for naval construction: Now, therefore, be it

Resolved, That it is the earnest belief of this board that the United States Senate in its consideration of the pending cruiser construction bill should strike out the Dallinger amendment and leave with the Secretary of the Navy the power, which he now possesses under existing law, to use his discretion in deciding whether cruisers shall be built in navy yards or in privately owned yards.

Mr. BINGHAM. Mr. President, that resolution was passed by the United States Shipping Board last summer and it was to carry out the resolution of the Shipping Board and the ideas therein expressed as bearing on the subject matter now before the Senate. I ask that a vote may be had on my substitute.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment of the Senator from Connecticut [Mr. BINGHAM].

The amendment was rejected.

ROBERT TOQUOTHY

The PRESIDING OFFICER (Mr. SHEPPARD in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2362) to authorize the payment to Robert Toquothy of royalties arising from an oil and gas well in the bed of the Red River, Okla., which was, on page 1, line 10, after "704," to insert "that no attorney fee paid in connection with this case shall exceed 10 per cent of the amount stated in this act."

Mr. FRAZIER. I move that the Senate concur in the House amendment.

The motion was agreed to.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in

executive session the doors were reopened; and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, January 28, 1929, at 12 o'clock meridian.

GENERAL CLAIMS CONVENTION

In executive session this day, the following convention was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States and the Republic of Panama for the settlement and amicable adjustment of claims by the citizens of each country against the other, signed at Washington, July 28, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and the Republic of Panama for the settlement and adjustment of claims by the citizens of each country against the other, signed at Washington on July 28, 1926.

Respectfully submitted.

FRANK B. KELLOGG.

Accompaniment: Convention.

DEPARTMENT OF STATE,
Washington, December 7, 1926.

The United States of America and the Republic of Panama, desiring to settle and adjust amicably claims by the citizens of each country against the other, have decided to enter into a Convention with this object, and to this end have nominated as their plenipotentiaries:

The President of the United States of America, The Honorable Frank B. Kellogg, Secretary of State of the United States of America; and

The President of the Republic of Panama, The Honorable Doctor Ricardo J. Alfaro, Envoy Extraordinary and Minister Plenipotentiary of Panama to the United States and the Honorable Doctor Eusebio A. Morales, Envoy Extraordinary and Minister Plenipotentiary of Panama on special mission;

who, after having communicated to each other their respective full powers found to be in due and proper form, have agreed upon the following articles:

ARTICLE I

All claims against the Republic of Panama arising since November 3, 1903, except the so-called Colon Fire Claims hereafter referred to, and which at the time they arose were those of citizens of the United States of America, whether corporations, companies, associations, partnerships, or individuals, for losses or damages suffered by persons or by their properties, and all claims against the United States of America arising since November 3, 1903, and which at the time they arose were those of citizens of the Republic of Panama, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties; all claims for losses or damages suffered by citizens of either country, by reason of losses or damages suffered by any corporation, company, association or partnership, in which such citizens have or have had, a substantial and bona fide interest, provided an allotment to the claimant by the corporation, company, association or partnership, of his proportion of the loss or damage suffered is presented by the claimant to the Commission; and all claims for losses or damage originating from acts of officials or others acting for either Government, and resulting in injustice, and which claims may have been presented to either Government for its interposition with the other, and which have remained unsettled, as well as any other such claims which may be filed by either Government within the time hereinafter specified, shall be submitted to a Commission consisting of three members for decision in accordance with the principles of international law, justice and equity. As an exception to the claims to be submitted to such Commission, unless by later specific agreement of the two Contracting Parties, are claims for compensation on account of damages caused in the manner set forth in Article VI of the Treaty of November 18, 1903, for the construction of the Panama Canal, which shall

continue to be heard and decided by the Joint Commission provided for in that Article of the Treaty.

With regard to the exception above made respecting the claims for losses suffered by American citizens as a result of the fire that occurred in the City of Colon on March 31, 1885, the Government of Panama agrees in principle to the arbitration of such claims under a Convention to which the Republic of Colombia shall be invited to become a party and which shall provide for the creation or selection of an arbitral tribunal to determine the following questions: First, whether the Republic of Colombia incurred any liability for losses sustained by American citizens on account of the fire that took place in the City of Colon on the 31st of March 1885; and, second, in case it should be determined in the arbitration that there is an original liability on the part of Colombia, to what extent, if any, the Republic of Panama has succeeded Colombia in such liability on account of her separation from Colombia on November 3, 1903, and the Government of Panama agrees to cooperate with the Government of the United States by means of amicable representations in the negotiation of such arbitral agreement between the three Countries.

The hearing and adjudication of particular claims in accordance with their merits in order to determine the amount of damages to be paid, if any, in case a liability is found, shall take place before a special tribunal to be constituted in such form as the circumstances created by the tri-partite arbitration shall demand.

As a specific exception to the limitation of the claims to be submitted to the Commission against the United States of America it is agreed that there shall be submitted to the Commission the claims of Abbondio Caselli, a Swiss citizen, or the Government of Panama, and Jose C. Monteverde, an Italian subject, or the Government of Panama, as their respective interests in such claims may appear, these claims having arisen from land purchased by the Government of Panama from the said Caselli and Monteverde and afterwards expropriated by the Government of the United States, and having formed in each case the subject matter of a decision by the Supreme Court of Panama.

The Commission shall be constituted as follows: One member shall be appointed by the President of the United States; one by the President of the Republic of Panama; and the third, who shall preside over the Commission, shall be selected by mutual agreement between the two Governments. If the two Governments shall not agree within two months from the exchange of ratifications of this Convention in naming such a third member, then he shall be designated by the President of the Permanent Administrative Council of the Permanent Court of Arbitration at The Hague described in Article 49 of the Convention for the Pacific Settlement of International Disputes concluded at The Hague October 18, 1907. In case of the death, absence or incapacity of any member of the Commission, or in the event of the member omitting or ceasing to act as such, the same procedure shall be followed for filling the vacancy as was followed in appointing him.

ARTICLE II

The Commissioners so named shall meet at Washington for organization within six months after the exchange of ratifications of this Convention, and each member of the Commission before entering upon his duties, shall make and subscribe a solemn declaration stating that he will carefully and impartially examine and decide according to the best of his judgment and in accordance with the principles of international law, justice and equity, all claims presented for his decision, and such declaration shall be entered upon the record of the proceedings of the Commission.

The Commission may fix the time and place of its subsequent meetings, either in the United States or in Panama as may be convenient, subject always to the specific instruction of the two Governments.

ARTICLE III

The Commission shall have authority by the decision of the majority of its members to adopt such rules for its proceedings as may be deemed expedient and necessary, not in conflict with any of the provisions of this Convention.

Each Government may nominate agents or counsel who will be authorized to present to the Commission orally or in writing, all the arguments deemed expedient in favor of or against any claim. The agents or counsel of either Government may offer to the Commission any documents, affidavits, interrogatories or other evidence desired in favor of or against any claim and shall have the right to examine witnesses under oath or affirmation before the Commission, in accordance with such rules of procedure as the Commission shall adopt.

The decision of the majority of the members of the Commission shall be the decision of the Commission.

The language in which the proceedings shall be conducted and recorded shall be English or Spanish.

ARTICLE IV

The Commission shall keep an accurate record of the claims and cases submitted, and minutes of its proceedings with the dates thereof. To this end, each Government may appoint a Secretary; those Secretaries shall act as joint Secretaries of the Commission and shall be subject to its instructions. Each Government may also appoint and employ, any necessary assistant secretaries and such other assistants as may be deemed necessary. The Commission may also appoint and employ any other persons necessary to assist in the performance of its duties.

ARTICLE V

The High Contracting Parties being desirous of effecting an equitable settlement of the claims of their respective citizens, thereby affording them just and adequate compensation for their losses or damages, agree that no claim shall be disallowed or rejected by the Commission through the application of the general principle of international law that the legal remedies must be exhausted as a condition precedent to the validity or allowance of any claim.

ARTICLE VI

Every such claim for loss or damage accruing prior to the signing of this Convention, shall be filed with the Commission within four months from the date of its first meeting, unless in any case reasons for the delay, satisfactory to the majority of the Commissioners, shall be established, and in any such case the period for filing the claim may be extended not to exceed two additional months.

The Commission shall be bound to hear, examine and decide, within one year from the date of its first meeting, all the claims filed.

Three months after the date of the first meeting of the Commissioners and every three months thereafter, the Commission shall submit to each Government a report setting forth in detail its work to date, including a statement of the claims filed, claims heard and claims decided. The Commission shall be bound to decide any claim heard and examined, within six months after the conclusion of the hearing of such claim and to record its decision.

ARTICLE VII

The High Contracting Parties agree to consider the decision of the Commission as final and conclusive upon each claim decided, and to give full effect to such decisions. They further agree to consider the result of the proceedings of the Commission as a full, perfect and final settlement of every such claim upon either Government, for loss or damage sustained prior to the exchange of the ratifications of the present Convention. And they further agree that every such claim, whether or not filed and presented to the notice of, made, preferred or submitted to such Commission, shall from and after the conclusion of the proceedings of the Commission, be considered and treated as fully settled, barred, and thenceforth inadmissible, provided in the case of claims filed with the Commission that such claims have been heard and decided.

This provision shall not apply to the so-called Colon Fire Claims, which will be disposed of in the manner provided for in Article I of this Convention.

ARTICLE VIII

The total amount awarded in all the cases decided in favor of the citizens of one country shall be deducted from the total amount awarded to the citizens of the other country, and the balance shall be paid at the City of Panama or at Washington, in gold coin or its equivalent within one year from the date of the final meeting of the Commission, to the Government of the country in favor of whose citizens the greater amount may have been awarded.

ARTICLE IX

Each Government shall pay its own Commissioner and bear its own expenses. The expenses of the Commission including the salary of the third Commissioner shall be defrayed in equal proportions by the two Governments.

ARTICLE X

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective Constitutions. Ratifications of this Convention shall be exchanged in Washington as soon as practicable and the Convention shall take effect on the date of the exchange of ratifications.

In witness whereof, the respective plenipotentiaries have signed and affixed their seals to this Convention.

Done in duplicate in Washington this twenty-eighth day of July 1926.

FRANK B. KELLOGG. [SEAL.]
R. J. ALEARO. [SEAL.]
EUSEBIO A. MORALES. [SEAL.]

NATURALIZATION TREATY WITH CZECHOSLOVAKIA

In executive session this day, the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a naturalization treaty between the United States and Czechoslovakia, signed at Prague on July 16, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1928.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a naturalization treaty between the United States and Czechoslovakia, signed at Prague on July 16, 1928.

Respectfully submitted.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

FRANK B. KELLOGG.

NATURALIZATION TREATY BETWEEN THE UNITED STATES AND CZECHOSLOVAKIA

The United States of America and the Czechoslovak Republic, being desirous of reaching an agreement concerning the status of former nationals of either country who have acquired, or may acquire, the nationality of the other by reasonable processes of naturalization within its territories, have resolved to conclude a treaty on this subject and for that purpose have appointed their plenipotentiaries, that is to say:

The President of the United States of America: LEWIS EINSTEIN, Envoy Extraordinary and Minister Plenipotentiary of the United States to Czechoslovakia and

The President of the Czechoslovak Republic: KAMIL KROFTA, Envoy Extraordinary and Minister Plenipotentiary,

Who, having communicated to each other their full powers, found to be in good and due form, have agreed upon the following Articles:

ARTICLE I

Nationals of the United States who have been or shall be naturalized in Czechoslovak territories shall be held by the United States to have lost their former nationality and to be nationals of Czechoslovakia.

Reciprocally, nationals of Czechoslovakia who have been or shall be naturalized in the territories of the United States shall be held by Czechoslovakia to have lost their former nationality and to be nationals of the United States.

The foregoing provisions of this Article shall not be applicable to a national of either country who obtains naturalization in the other while his country is at war.

The word "national", as used in this convention, means a person having the nationality of the United States or Czechoslovakia, respectively, under the laws thereof.

The word "naturalized" refers to the naturalization of a person over twenty-one years of age, granted upon his own application, while he is permanently residing within the country of naturalization, and to the naturalization of a person under twenty-one years of age through the naturalization of a parent, provided such person has acquired a permanent residence within the country of naturalization.

ARTICLE II

Nationals of either of the Contracting States naturalized as provided in Article I, shall not, upon their return to the territory of the country of which they were formerly nationals, be prosecuted or punished for expatriation or for having failed, prior to their naturalization, to answer summonses to military service which had been served upon them within a period of five years preceding their naturalization.

ARTICLE III

If a national of either country, who comes within the purview of Article I, shall renew his residence in his original country

without the intent to return to that in which he was naturalized, he shall be held to have lost the nationality acquired by naturalization.

The intent not to return may be held to exist when a person naturalized in the one country shall have resided more than two years in the other.

ARTICLE IV

The present Convention, drawn up in English and Czechoslovak, both texts being authoritative, shall be subject to ratification by the High Contracting Parties in conformity with their respective constitutions, and shall become operative immediately upon the exchange of ratifications, which shall take place at Washington as soon as possible.

The present Convention shall remain in force for ten years. If neither of the High Contracting Parties states its intention of denouncing it at least one year before the end of the above-mentioned period, it will remain in force and will not terminate until a year after one or the other of the High Contracting Parties shall have denounced it.

In witness whereof, the respective plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in duplicate at Prague, this 16th day of July 1928.

[SEAL.]
[SEAL.]

LEWIS EINSTEIN
D K KROFTA

PREVENTION OF THE SMUGGLING OF ALCOHOLIC BEVERAGES WITH JAPAN

In executive session this day the following convention was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a convention between the United States and Japan to aid in the prevention of the smuggling of alcoholic beverages into the United States, signed at Washington, May 31, 1928.

For the information of the Senate, I transmit also copies of notes exchanged between the Secretary of State and the Japanese ambassador at the time of the signature of the convention, with a memorandum of the understanding reached between them in regard to the interpretation of the convention.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1928.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a convention between the United States and Japan to aid in the prevention of the smuggling of alcoholic beverages into the United States, signed at Washington May 31, 1928.

Accompanying the convention are copies of notes exchanged between the plenipotentiaries at the time of the signature of the convention, with a memorandum of the understanding reached between them in regard to the interpretation of the convention. These are furnished for the information of the Senate.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

EXCHANGE OF NOTES

JAPANESE EMBASSY,
Washington, May 31, 3 Shōwa (1928).

SIR: In proceeding to-day to the signature of the convention between Japan and the United States for the purpose of avoiding difficulties which might arise in connection with the laws in force in the United States on the subject of alcoholic beverages, I am happy to attach hereto, for the purpose of future reference, a memorandum of the understanding that has been reached between us in regard to the interpretation of the convention. I beg leave, therefore, to request that you kindly acknowledge and confirm this statement.

Accept, sir, the renewed assurances of my highest consideration.

T. MATSUDAIRA.

HON. FRANK B. KELLOGG,
Secretary of State,
Washington.

JAPANESE EMBASSY,
Washington.

MEMORANDUM

It is understood—

1. That the term "private vessels" as used in the convention signifies all classes of vessels other than those owned or controlled by the Japanese Government and used for governmental purposes, for the conduct of which the Japanese Government assumes full responsibility.

2. That the rights conferred on the authorities of the United States under Article II of the convention do not relate to territorial waters of Japan or to waters of any territory over which Japan exercises a mandate under the authority of the League of Nations.

3. That there will be no advance requirement that Japanese vessels shall stop regularly at designated places to await such inquiries or examination as are authorized in Article II of the convention.

4. That the convention does not relate to alcoholic liquors for nonbeverage, including medicinal, purposes, which are regulated by the domestic laws of the United States.

5. That the expression "three months before the expiration of the said period of one year," as used in the second paragraph of Article V, is used in the sense of not later than three months before the expiration of the said period.

6. That questions involving the application of the convention arising while it is in force will be adjudicated in accordance with the provisions of the convention as in force at the time the circumstances occurred, even if the convention should lapse or be terminated before the decision is rendered.

MAY 31, 1928.

EXCELLENCY:

I have the honor to acknowledge the receipt of your excellency's note dated May 31, 1928, and the memorandum attached thereto of the understanding that has been reached between us in regard to the interpretation of the convention between the United States and Japan for the purpose of avoiding difficulties which might arise in connection with the laws in force in the United States on the subject of alcoholic beverages.

I beg to state that I am happy to confirm that the said memorandum, a duplicate of which is attached hereto, is a correct statement of the understanding reached by us in regard to the interpretation of the convention.

Accept, Excellency, the renewed assurances of my highest consideration.

FRANK B. KELLOGG.

His Excellency Mr. TSUNEO MATSUDAIRA,
The Japanese Ambassador.

The President of the United States of America and His Majesty the Emperor of Japan, being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages, have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America, Frank B. Kellogg, Secretary of State of the United States;

His Majesty the Emperor of Japan, Tsuneo Matsudaira, Jusammi, the First Class of the Imperial Order of the Sacred Treasure, His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, having communicated their full powers, found in good and due form, have agreed as follows:

ARTICLE I

The High Contracting Parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coastline outwards and measured from low-water mark constitute the proper limits of territorial waters.

ARTICLE II

(1) The Japanese Government agree that they will raise no objection to the boarding of private vessels under the Japanese flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions, in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into the United States, its territories or possessions, in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

(2) If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense

against the laws of the United States, its territories or possessions, prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions, for adjudication in accordance with such laws.

(3) The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States, its territories or possessions, than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions, by a vessel other than the one boarded and searched, it shall be the speed of such other vessel, and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

ARTICLE III

No penalty or forfeiture under the laws of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions, on board Japanese vessels voyaging to or from ports of the United States, or its territories or possessions, or passing through the territorial waters thereof, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

ARTICLE IV

Any claim by a Japanese vessel for compensation on the ground that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this Convention or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention for the pacific settlement of international disputes, concluded at The Hague, October 18, 1907. The arbitral tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention. The proceedings shall be regulated by so much of Chapter IV of the said Convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the tribunal on account of any claim shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a ratable deduction from the amount of the sums awarded by it, at a rate of five per cent on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

ARTICLE V

This Convention shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Convention.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the Convention shall lapse.

If no notice is given on either side of the desire to propose modifications, the Convention shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the Convention, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the convention shall lapse.

ARTICLE VI

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present Convention the said Convention shall automatically lapse, and, on such lapse or whenever this Convention shall cease to be in force,

each High Contracting Party shall enjoy all the rights which it would have possessed had this Convention not been concluded.

The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof and by His Majesty the Emperor of Japan; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate and have thereunto affixed their seals.

Done at the City of Washington this 31st day of May, in the nineteen hundred and twenty-eighth year of the Christian era, corresponding to the 31st day of the 5th month of the 3rd year of Shōwa.

[SEAL]

FRANK B. KELLOGG
T. MATSUDAIRA

[SEAL]

NOMINATIONS

Executive nominations received by the Senate January 26, 1929

COAST AND GEODETIC SURVEY

To be junior hydrographic and geodetic engineers (with relative rank of lieutenant (junior grade) in the Navy)

Henry James Healy, of North Dakota, vice A. L. Jankowski, resigned.

John Holman Brittain, of Montana, vice P. R. Hathorne, resigned.

Walter Joseph Chovan, of California, vice C. R. Bush, jr., resigned.

George Alvin Nelson, of Minnesota, vice L. G. Simmons, resigned.

Wilbur Ryel Porter, of New York, vice J. H. Service, resigned.

To be aides (with relative rank of ensign in the Navy)

Clifton James Wagner, of Virginia, vice L. C. Johnson, promoted.

Roswell Clarence Bolstad, of Minnesota, vice E. H. Kirsch, promoted.

Arthur Newton Stewart, of Kansas, vice L. W. Sowles, resigned.

James Nutty Jones, of Tennessee, vice G. A. Fredrickson, resigned.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

COAST ARTILLERY CORPS

Capt. Kenneth Rowntree, Field Artillery, with rank from June 30, 1920.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Robert Bruce McBride, Coast Artillery Corps, from January 22, 1929.

To be lieutenant colonels

Maj. Henry Carlos Rexach, Infantry, from January 21, 1929.

Maj. William Thomas Carpenter, Coast Artillery Corps, from January 22, 1929.

Maj. Benjamin Mart Bailey, Field Artillery, from January 22, 1929.

Maj. Ambrose Robert Emery, Infantry, from January 22, 1929.

To be majors

Capt. Abraham Tabachnik, Infantry, from January 18, 1929.

Capt. William Robert Stewart, Coast Artillery Corps, from January 21, 1929.

Capt. Leander Russell Hathaway, Infantry, from January 22, 1929.

To be captains

First Lieut. Alfred Isaac Puryear, Air Corps, from January 17, 1929.

First Lieut. Clyde Henry Plank, Infantry, from January 18, 1929.

First Lieut. Joel DeWitt Pomerene, Infantry, from January 21, 1929.

First Lieut. Daniel Bern Floyd, Field Artillery, from January 22, 1929.

First Lieut. Joseph Cuthbert Dolan, Field Artillery, from January 22, 1929.

To be first lieutenants

Second Lieut. Otis McCormick, Infantry, from January 12, 1929.

Second Lieut. Wendell Blanchard, Cavalry, from January 15, 1929.

Second Lieut. Thomas Du Val Roberts, Infantry, from January 15, 1929.

Second Lieut. Clinton Frederick Robinson, Corps of Engineers, from January 15, 1929.

Second Lieut. Frederic Allison Henney, Corps of Engineers, from January 17, 1929.

Second Lieut. David Jerome Ellinger, Infantry, from January 18, 1929.

Second Lieut. Francis John Clark, Infantry, from January 21, 1929.

Second Lieut. Leonard Lawrence Bingham, Corps of Engineers, from January 22, 1929.

Second Lieut. Floyd Allen Mitchell, Coast Artillery Corps, from January 22, 1929.

Second Lieut. Samuel Vance Krauthoff, Field Artillery, from January 22, 1929.

Second Lieut. Joseph Peter Shumate, Coast Artillery Corps, from January 22, 1929.

APPOINTMENTS IN THE REGULAR ARMY

CHIEF OF BRANCH

To be The Adjutant General, with the rank of major general, for a period of four years from date of acceptance, with rank from December 31, 1928

Brig. Gen. Charles Higbee Bridges, Assistant The Adjutant General, vice Maj. Gen. Lutz Wahl, The Adjutant General, who died December 30, 1928.

ASSISTANT CHIEF OF BRANCH

To be Assistant The Adjutant General, with the rank of brigadier general, for a period of four years from date of acceptance

Col. Archibald Campbell, Adjutant General's Department, vice Brig. Gen. Charles H. Bridges, Assistant The Adjutant General, nominated for appointment as The Adjutant General.

POSTMASTERS

ARIZONA

Ruth L. Diamond to be postmaster at Seligman, Ariz., in place of R. M. Hoffman, deceased.

CALIFORNIA

Annie G. Bedford to be postmaster at Anderson, Calif., in place of L. E. Smith, resigned.

Charles D. Heywood to be postmaster at Berkeley, Calif., in place of C. D. Heywood. Incumbent's commission expires January 26, 1929.

Pearl C. Snider to be postmaster at Fellows, Calif., in place of P. C. Snider. Incumbent's commission expires January 26, 1929.

Raymond J. Schulze to be postmaster at Veterans Home, Calif., in place of E. F. Wilson, removed.

HAWAII

Frederick W. Carter to be postmaster at Waialua, Hawaii, in place of F. W. Carter. Incumbent's commission expires February 3, 1929.

ILLINOIS

John E. Hughes to be postmaster at Earlville, Ill., in place of E. J. Tabor, removed.

Ralph C. Williams to be postmaster at Edinburg, Ill., in place of E. V. Rigg, resigned.

William T. Warford to be postmaster at Eldorado, Ill., in place of S. C. Galeener. Incumbent's commission expired May 19, 1928.

KANSAS

Harry W. Shideler to be postmaster at Girard, Kans., in place of H. W. Bouck, resigned.

Noah S. Wiggins to be postmaster at Lyons, Kans., in place of G. F. Gibson. Incumbent's commission expired May 19, 1928.

KENTUCKY

Robert H. Middleton to be postmaster at Buffalo, Ky., in place of R. H. Middleton. Incumbent's commission expires January 30, 1929.

Henry T. Short to be postmaster at Calhoun, Ky., in place of H. T. Short. Incumbent's commission expires January 30, 1929.

Virgil A. Matthews to be postmaster at Fordsville, Ky., in place of V. A. Matthews. Incumbent's commission expires January 30, 1929.

Egbert V. Taylor to be postmaster at Greensburg, Ky., in place of E. V. Taylor. Incumbent's commission expires January 30, 1929.

Allen D. Thomson to be postmaster at Kuttawa, Ky., in place of A. D. Thomson. Incumbent's commission expires January 30, 1929.

William Rice to be postmaster at Manchester, Ky., in place of William Rice. Incumbent's commission expires January 30, 1929.

John P. Graham to be postmaster at New Haven, Ky., in place of J. P. Graham. Incumbent's commission expires January 30, 1929.

Mack M. Noel to be postmaster at Outwood, Ky., in place of M. M. Noel. Incumbent's commission expires January 30, 1929.

Cameron F. Dunbar to be postmaster at Russell Springs, Ky., in place of C. F. Dunbar. Incumbent's commission expires January 30, 1929.

Stace W. Poole to be postmaster at Sebree, Ky., in place of S. W. Poole. Incumbent's commission expires January 30, 1929.

Mabelle Sharp to be postmaster at Sharpsburg, Ky., in place of Mabelle Sharp. Incumbent's commission expires January 30, 1929.

MARYLAND

Louis H. Wise to be postmaster at Mechanicsville, Md., in place of L. H. Wise. Incumbent's commission expired June 3, 1928.

MASSACHUSETTS

Guy W. Sanborn to be postmaster at Byfield, Mass., in place of Lyman Pearson, resigned.

MICHIGAN

Harvey W. Raymond to be postmaster at Baraga, Mich., in place of H. W. Raymond. Incumbent's commission expires January 31, 1929.

Herbert G. Whitehead to be postmaster at Byron, Mich., in place of G. E. Stowell, removed.

Claude B. Hoffmaster to be postmaster at Hopkins, Mich., in place of C. B. Hoffmaster. Incumbent's commission expires February 2, 1929.

William J. Newton to be postmaster at Marysville, Mich., in place of W. J. Newton. Incumbent's commission expires January 31, 1929.

Eugene W. Shober to be postmaster at Pentwater, Mich., in place of H. T. Hill, resigned.

MINNESOTA

Marvin R. Christensen to be postmaster at Arco, Minn., in place of M. R. Christensen. Incumbent's commission expires January 29, 1929.

Llewellyn L. Medbery to be postmaster at Browns Valley, Minn., in place of W. M. Brown. Incumbent's commission expired December 19, 1927.

Charles W. Patsold to be postmaster at Cambridge, Minn., in place of C. W. Patsold. Incumbent's commission expired December 16, 1926.

MISSOURI

Anna Tabler to be postmaster at Jasper, Mo., in place of W. S. Tabler, deceased.

William H. Reynolds to be postmaster at Smithton, Mo., in place of W. H. Reynolds. Incumbent's commission expired December 10, 1928.

Roy E. Dusenbery to be postmaster at Van Buren, Mo., in place of R. E. Dusenbery. Incumbent's commission expired January 21, 1929.

NEW JERSEY

Joseph B. Kronenberg to be postmaster at Bernardsville, N. J., in place of J. B. Kronenberg. Incumbent's commission expires January 29, 1929.

NEW YORK

William B. Hagan to be postmaster at Bloomingburg, N. Y., in place of C. R. Newhouse, removed.

NORTH CAROLINA

James V. Benfield to be postmaster at Valdese, N. C., in place of J. V. Benfield. Incumbent's commission expires January 31, 1929.

OHIO

George T. Newman to be postmaster at Malta, Ohio, in place of J. A. Barrell, resigned.

OREGON

Karl R. Chapman to be postmaster at Reedsport, Oreg., in place of C. S. Benson, removed.

PENNSYLVANIA

Charles O. Smith to be postmaster at Black Lick, Pa., in place of C. O. Smith. Incumbent's commission expires January 29, 1929.

Alexander G. Dunlap to be postmaster at Delta, Pa., in place of A. G. Dunlap. Incumbent's commission expired December 16, 1928.

Russell J. Horne to be postmaster at Marianna, Pa., in place of D. L. Post, resigned.

Bertha N. Stiner to be postmaster at Moylan, Pa., in place of B. N. Stiner. Incumbent's commission expires February 2, 1929.

Charles W. High to be postmaster at Quincy, Pa. Office became presidential July 1, 1928.

SOUTH CAROLINA

Thomas B. Madden to be postmaster at Columbia, S. C. in place of T. B. Madden. Incumbent's commission expired June 3, 1928.

SOUTH DAKOTA

Calvin F. Barber to be postmaster at Agar, S. Dak., in place of Matilda Peterson, resigned.

TEXAS

Della Gordon to be postmaster at Arp, Tex., in place of Sudie Gaut. Incumbent's commission expired May 14, 1928.

Fay Richardson to be postmaster at Asherton, Tex., in place of Fay Richardson. Incumbent's commission expired December 10, 1928.

Charles P. J. Ledwidge to be postmaster at Beaumont, Tex., in place of C. P. J. Ledwidge. Incumbent's commission expires January 30, 1929.

Lee M. Feagin to be postmaster at Colmesneil, Tex., in place of L. M. Feagin. Incumbent's commission expired May 14, 1928.

Theodore B. Newman to be postmaster at Fairfield, Tex., in place of T. B. Newman. Incumbent's commission expired December 19, 1927.

Lottie H. Rector to be postmaster at McCaulley, Tex., in place of L. H. Rector. Incumbent's commission expired January 24, 1928.

Cletus Dunham to be postmaster at Quitaque, Tex., in place of Cletus Dunham. Incumbent's commission expired December 10, 1928.

VIRGINIA

Samuel W. Collie to be postmaster at Danville, Va., in place of S. W. Collie. Incumbent's commission expires January 29, 1929.

Henry D. Gray to be postmaster at Middleburg, Va., in place of L. L. Keeler. Incumbent's commission expired January 22, 1929.

Andrew F. Johnson to be postmaster at Millboro, Va., in place of A. F. Johnson. Incumbent's commission expires January 27, 1929.

WEST VIRGINIA

John W. Irvin to be postmaster at Charles Town, W. Va., in place of H. C. Getzendanner. Incumbent's commission expired March 22, 1928.

Matilda Mahon to be postmaster at Delbarton, W. Va., in place of Valentine Hatfield, resigned.

WISCONSIN

Katherine B. Shier to be postmaster at Winegar, Wis., in place of E. E. Hamberg, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 26, 1929

MEMBER OF FEDERAL TRADE COMMISSION

Charles H. March to be a member of the Federal Trade Commission for a term of seven years from September 26, 1928.

POSTMASTERS

ALABAMA

Culver M. Hillis, Athens.
Joseph S. Mathias, Atmore.
Edward B. Beason, Demopolis.
Allie Wilson, Stevenson.

CALIFORNIA

Viola A. Johnson, Chula Vista.
Ruth A. Haskell, San Ysidro.

GEORGIA

Louis S. Marlin, Doerun.
William M. McElroy, Norcross.

IDAHO

J. Howard Howe, Lewiston.

KANSAS

Robert B. Slavens, Lecompton.
Uriah E. Heckert, Tescott.

MAINE

Susan M. Dyer, Harrington.

MARYLAND

S. Stanley Bender, Kitzmiller.
James C. Jones, Stevensville.

MICHIGAN

Ernest F. Seward, St. Ignace.

MONTANA

Eliza J. Davis, Kevin.

NEBRASKA

Heinrich D. Friesen, Henderson.
Truman E. Williams, McCool Junction.

NEW JERSEY

Mae Hanley, Belford.
Aaron J. Crane, Lincoln Park.

NEW MEXICO

Francis O. Polston, Melrose.

OREGON

Lella A. Phelps, Hermiston.

PENNSYLVANIA

William G. Minster, Buck Hill Falls.
Lillian K. Strong, Columbia Cross Roads.
Louis S. Bisky, Meshoppen.
William S. Livengood, Meyersdale.
Ralph B. McCord, North East.
William K. Pearce, Rutledge.
Bertha J. Everett, Shickshinny.
Ross A. Harclerode, Windber.

UTAH

Heber J. Sheffield, jr., Kaysville.

WASHINGTON

Blanche E. Lambert, Ione.
Esther C. Bosma, Peshastin.
Frieda A. Iffland, Port Townsend.
Harry A. Mykrantz, Twisp.